

1029
T H E
C A S E
O F
Sir Alexander Rigby,
William Shepard,
A N D
William Plowman :

Setting forth the
D A M A G E S they have Suffer'd
B Y T H E
Imprisonment of *William Plowman*;
Seizure of their E F F E C T S,
A N D
Other Proceedings of the Grand
Duke of T O S C A N Y.

L O N D O N :
Printed in the Year M D C C I.

3



92i

T H E
C A S E
O F

*Sir Alexander Rigby, William Shepard,
and William Plowman.*

IN the Year 1690, *Alexander*, now *Sir Alexander Rigby*, *William Shepard*, and *William Plowman*, did Enter into Articles of Co-
partnership, for Establishing a House of Trade in *Livorno*,
Commencing the 29th of *November*, Anno 1690; To conti-
nue for the Space of Five Years, and to end the 29th of *No-*
vember, Anno 1695.

A Copartner-
ship.

For Managing their Commerce, by *Sir Alexander Rigby* at *London*,
by *William Shepard*, and *William Plowman* at *Livorno*; they Establish'd
a Joint Stock, each Partner contributing thereto an equal Third part.

A Joint Stock.

Sir <i>Alexander Rigby</i> —————	1	Doll. 4500
<i>William Shepard</i> —————	1	4500
<i>William Plowman</i> —————	1	4500

The Joint Stock was Dollars Thirteen Thousand } in 3ds Doll. 13500
Five Hundred ————— }

Which, according to the Current of Exchange, then was valued at
Three Thousand Pounds *Sterling*.

This Copartnership was to run at *Livorno*, under the Names of *Rigby*,
Shepard, and *Company*; and by their Mutual Agreement, the Power to
Sign Letters and Contracts in due Form, was given to *William Shepard*;
who, in Matters of Moment relating to the General Interest, was to
have the Counsel and Consent of *William Plowman*; and in any Enter-
prize which exceeded the Limits prescrib'd by their Articles, *Sir Alexander*
Rigby's previous Consent was to be demanded by the other Two Co-
partners.

Clauses in their
Agreement.

At the Beginning of the Copartnership, in the Year 1690, *Sir Alexan-*
der Rigby had by Trade and Marriage augmented his proper and current
Stock to Ten Thousand Pounds *Sterling*; Which, with a good and an-
cient Land-Estate in *Lancashire* and an Universal Acquaintance acqui-
red by his Travels into *France*, *Spain*, *Italy*, *Turky*, and *Germany*, did
enable him for the Management of the most Considerable Affairs of
Trade having remain'd some Years before a Partner in Trade at *Livorno*
with *Sir Lambert Blackwell*.

Sir Alexander
Rigby's Cir-
cumstances.

William Shepard's.

William Shepard was, when he went to *Livorno*, a very hopeful young man; had been Educated by his Father, a Merchant in *London*, of good Credit and Substance.

William Plowman's Circumstances.

William Plowman had, by a long Experience, acquired a Knowledge of the Trade in *Italy*, and other Places in the *Mediterranean* Seas, which qualified him for the Management of Affairs, to the Advantage of his Country, and Employers.

Their Progress.

Upon this Establishment they proceeded with such Success in their Concerns, that in a short time they were esteemed the most Flourishing House in *Italy*; augmenting their Correspondence, Stock, and Reputation: In *England*, as well as in Foreign Parts, their Commerce was much valued.

Reputation.

The Governor and Directors of the Bank of *England*, by Plurality of Votes, gave them a Distinguishing-Mark of their Esteem, in chusing them for their Correspondents at *Livorno*; for they had then such Reputation and Friends in *England*, that several Eminent Merchants in the City of *London* did, as Sureties for the House, enter with Sir *Alexander Rigby* into Bonds for Twenty Thousand Pounds *Sterling*, in favour of the Bank.

Exportation from *England*.

By the House Books of Accompts (ready to be produced) it appears how considerable their Correspondence was in *England*, and what Advantage the Trade of the Nation received by Sir *Alexander Rigby's* great Application for promoting of Commerce, and by the Industry which the House used in their Management: When, without disturbance, they employ'd their Stock in Goods and in Shipping, having in the compass of 18 Month's time received, and disposed of Cloth, other Wollen-Manufactures, Fish, Lead, and Tin, to the Sum of Five Hundred Twenty Nine Thousand Seven Hundred and Twelve Dollars 4 d. of *Livorno*-Money; great part whereof was returned at 72 Pence *Sterl.* per Dollar in Bills of Exchange, and the rest in Goods of the Growth of *Italy*; which being Calculated one with another at Five Shillings *Sterl.* for a Dollar, makes One Hundred Thirty Two Thousand Four Hundred and Twenty Eight Pounds *Sterl.* as appears by the Particular Account in the *Appendix*, No. 1.

In the War.

Besides the above-mention'd Goods several other Commodities from this Kingdom were Exported to the House; which was done when the Trade of *England* to the *Mediterranean* was subject to all the Disadvantages of War; which Relieved several Cloathiers and many Traders from smarting Extremities.

Foreigners prevented in their Designs.

By means of these Exportations and Returns, His Majesty's Revenues were augmented, Navigation encourag'd, and his Subjects enrich'd; The *French*, *Florentines*, and *Venetians*, were disappointed in their Projects for introducing their Woollen-Manufactures in the *Levant*, wherein their Endeavours might have succeeded, if during the Intervals of Convoys the *Turks* had not been thus supplied with the Product of *England*, at particular Men's risques, by nimble Ships.

By encouragement of Gallies.

The House of *Rigby, Shepard, and Company*, were with the first and chief Encouragers of Gallies; who being well Mann'd, and Arm'd, did not only carry on this Trade with Expedition and Success, but in their Voyages did frequently annoy the Enemy to such a degree, that the City of *Marseilles* (the only considerable *French* Trading-Port in the *Mediterranean*) could not find the usual Employment for their Shipping, for Transporting Effects to *Barbary*, *Turky*, and other Places in the *Levant*.

The

The Ballance of the House's Books in the Year 1695, was, by Order of the Great Duke of *Tuscany*, exposed to the perusal of his Principal Minister; and by the same is evident, that the Sum of the Debtors amounted unto ————— Dollars 712461 $\frac{1}{4}$.

That the Effects and Merchandizes remaining to be Sold, and Accounts to be rendered, Imported at least ————— 300000.

The House
possessed of
vast effects.

So that these Copartners were then Masters of ————— Doll. 1,012,461 $\frac{1}{4}$; which is a Million Twelve Thousand Four Hundred and Sixty One Dollars: the Candor of their Intentions is plainly demonstrated by the Returns since made to the Merchants in *England* interest'd in the above Debts and Effects; which Calculated at Five Shillings *Sterl.* per Dollar, amounts unto Two Hundred Fifty Three Thousand One Hundred Fifteen Pounds and Five Shillings *Sterl.* as by Account in the *Appendix*, N^o. 2.

While the House thus carried on their Affairs without Molestation at *Livorno*, they reap'd the Fruits of their Labours; for it's sufficiently known, and apparent by their Books to be produced, the Expence of House-keeping, and other Charges defray'd, that the Profits clear'd to themselves before their interruption, amounted unto ————— Doll. 81,945:5:8. Which being Calculated at Five Shillings *Sterl.* per Dollar, Imports Twenty Thousand Four Hundred Eighty Six Pounds Six Shillings and Five Pence *Sterl.* as by account in the *Appendix*, N^o. 3. And had they been allow'd to go on without disturbance from the Grand Duke in their Lawful affairs, by this time they would have brought home a plentiful Estate.

Profits made
by the House.

In the beginning of the Year 1696, Coffee was scarce, and excessively dear in *Europe*, when the House had certain Advices of great Quantities of that Commodity arriv'd at *Grand Cairo* in *Egypt*, procurable there at 22 *Spanish* Pieces of Eight per 100 Pounds weight, which would have rendered at *Livorno* 125 Pounds weight, where the Currant Price was 50 Dollars per 100 Pounds; at which Rate 22 *Spanish* Dollars would have yielded 62 $\frac{1}{2}$ Dollars of *Livorno*, and consequently a vast Profit.

The design
and reasons
of the Expedition for Coffee and Corn.

In that Conjunction His Majesty's Fleet was in the *Mediterranean* Sea, and all *French* Merchant Ships were under an Embargo.

The *Dutch* could not go to *Alexandria*, by reason of a Difference depending betwixt them and the *Turks* of that Place.

The *Italians* are of all Nations the most afraid of Infection, and durst not adventure, because the Plague was then very Violent in *Egypt*.

The other *English* Merchants residing at *Livorno*, had not then any *English* Ships at their disposal; so could not enter on the design.

These Considerations moved the House to Resolve upon an Expedition for Coffee; and having likewise in View the Conclusion of a Treaty with the Bey of *Tunis*, for all the Corn Exportable from *Cape-Negro*, they fitted out their Ships.

The *Charles*, Capt. Charles Pickering, 20 Guns, 150 Men.

The *Philip and Mary*, Capt. John Brome, 20 ——— 180 Fraighted.

The *Peace-Sloop*, Capt. William Garland, 6 ——— 20.

Ships fitted.

Three Ships, carrying ——— 46 Guns, 350 Men.

The *French* were alarm'd at this Expedition, and surmizing that the Consequence thereof would be to their prejudice, they made use of all their Art and Interest at the Court of *Florence*, to frustrate the Design, and to hinder the Departure of these Ships; and for a foundation to a plausible Pretence, they alledg'd, That the Articles of Neutrality between

The French
oppose.

tween *England, France, Spain, and Holland*, and the Great Duke, did not allow the Fitting out of these Ships at *Livorno*.

The Articles
of Neutrality.

That it may appear how little Reason they had to insist upon this Point, and how far it was contrary to Equity, for the Grand Duke to use Partiality in favour of the *French*, the Articles are transcrib'd in the *Appendix*, N^o. 4.

The Duke
gives the Ships
leave to pro-
ceed.

However, to gratify the *French*, the Great Duke's Ministers did oppose the Dispatch of these Vessels; upon which incident, *William Plowman* went, and imparted the Design to his Serene Highness, who thought it so reasonable and just, that he gave Orders for the proceeding of the Ships.

Gives them no
Instructions,
nor the House
any Intimati-
on of pretence.

And it's certain, that no Instructions were given by the Great Duke, nor any of his Ministers, to the Commanders of these Vessels, for their Behaviour towards the *French*, or any other Nation; neither was the House made acquainted with the Case: And in consequence of this, the Ships proceeded on their Voyage with a considerable Cargo; which the House would not have risked, had they dream'd of the Pretensions which were afterwards started; much less would they have engag'd in the design, could they have foreseen that His Serene Highness and his Ministers, would have made this Expedition a ground of Pretence to the *French*, for sequestering all the Effects they could find under the Name and Direction of *William Plowman*; and the Sums that have hereby been bury'd in his Ruin, will appear in the Article of Damages.

The Conse-
quence of
Cape-Negro
Corn.

Without the constant Supplies of Corn, which the *French* drew from *Cape-Negro* during the War, *Provence* and the adjacent Places in *France* would have fallen under very great Extremities; the advantage which *England*, as well as the House, would have gain'd by a Bargain with the Bey of *Tunis*, was such a laudable and inviting Motive, that it sufficiently justifies the Enterprize: The Methods that were taken to secure the Success, by pleasing the Bey, and his favourable Disposition towards the House are explain'd in the *Appendix*, N^o. 5.

Encourage
W. P. to em-
bark.

The reasonable hopes of Honour and Advantage by the Bargain for Corn; and the fair prospect of Profit by Coffee, did not only encourage to the dispatch of these Vessels, but induced *William Plowman* to go Passenger on the *Philip* and *Mary*, for the more effectual Management of these affairs.

Ships depar-
ture, and their
Cost.

About the 22^d of *April*, in the Year 1696, these Vessels sailed from *Livorno* the Outset of the Ships, and Cost of the Cargo was, *Dol.* 45,999:10:1. Money in *Livorno*, Calculated at Five Shillings per Dollar, makes Eleven Thousand Four Hundred Ninety Nine Pounds Seventeen Shillings and Six Pence *Sterl.* per Abstract of their Books, in *Appendix*, N^o. 6.

Two of them
carry Letters
of Mart.

Capt. *Charles Fickering* in the Ship *Charles*, Capt. *John Brome* in the Ship *Philip* and *Mary*, carry'd Letters of Mart from *The King of England*; and being well Arm'd and Mann'd, they were not only capable to Convoy the *Peace-Sloop*, with the Effects for purchasing of Coffee, but also to molest the Common Enemy.

The *Santa*
Barbara, Capt.
Fougasse, taken
by the *Peace*
Sloop.

These Vessels, in their Passage for *Tunis*, in a Fog near to *Sardignia*, were separated some Leagues distance; when it clear'd up, Capt. *Garland* in the *Sloop* found himself close on Board of a *French* Vessel, who surrender'd at the Firing a few Guns from the *Sloop*, and proved to be the *Santa Barbara*, Capt. *Joseph Fougasse*, One of the Three *French* Ships; for which *William Plowman* is by the Great Duke's Sentence condemn'd, notwithstanding that the *Philip* and *Mary*, whereon *William Plowman*

Plowman was Passenger, did lye at a considerable distance, and had no share in the Action ; as appears by the Depositions of the *French* Prisoners, taken in authentick form, after their return from *Tunis* to *Livorno*, where they were at liberty, as appears in the *Appendix*, N^o. 7.

Upon arrival at *Tunis*, *William Plowman* endeavour'd to conclude the Contract with the Bey for Corn ; and having acquainted the House with the Circumstances of that affair, Consul *Goodwyn* and Mr. *Chetwood* of that Place confirm'd the same ; all their Letters were sent by the *Expedition*, an *English* Bark, *Henry Durham* Master ; who, falling unfortunately into the hands of the *French*, was by them carry'd into *Toulon* ; and there his Papers being examin'd, the Letters directed to the House at *Livorno*, were forwarded to the Secretary of State at *Paris*.

Letters from
Tunis, about
Cape-Negro
Corn, inter-
cepted.

The Court of *France*, by this discovery, was exasperated against the House, and *William Plowman* ; and did not only take effectual Methods for pursuing their Resentment, but also for securing the Corn-Trade, which is of such importance to them : They dispatch'd four Ships of War for *Tunis*, to renew a Treaty of Peace with the Bey, and to prolong the Bargain for Corn with the *French* Undertakers for Seven years to come.

The *French*
much exasper-
ated.

After it was discover'd at *Florence*, that the Court of *France* was so highly offended at this attempt made by an *English* House at *Livorno*, the Great Duke, and his Ministers, especially Seignior *Carlo Quaratesi*, Treasurer, did, after a very unaccountable manner, execute the Vengeance of the Enemies of the Copartners, knowing this to be a proper and sure opportunity for accomplishing the Ruin of an *English* House, which from the time of its Establishment at *Livorno*, had been an Eye-sore to that of *Pier Anton Guadagni*, wherein the said Seignior *Quaratesi* had been for many years a Servant, and is still actually a Partner for an Eighth part.

The *Florentines*
espouse the
Quarrel,

to gratify
their private
Revenge.

In the beginning of *May*, 1696, the Three Vessels left *Tunis*, with design to prosecute their Voyage for *Alexandria* ; but within a few hours after their departure from the Land, they were closely Chas'd by the *Marquise* and *Seriense*, two *French* Ships of War, from whom they made a narrow escape : The *Peace-Sloop* ran into *Porto-Farina*, on the Coast of *Barbary* ; The *Charles* to *Porto-Longone*, in the Island of *Elba*, near the *Italian* Shore ; The *Philip* and *Mary*, on which *William Plowman* was, kept at Sea.

The *English*
Ships Chas'd
by the *French*
Ships of War.

Had any, or all of these Vessels fallen Prizes to the Enemy, the concern'd must have submitted to the Fortune and Treatment of War ; which shews the Excess of the Great Duke's partiality, in pretending to hinder an *Englishman* from molesting the *French*, whilst he was subject to their Insults, and they at liberty to do what they pleas'd, so far as their lawful Commission in a declared War could authorize them.

William Plowman having found that the *Peace-Sloop* did not Sail according to expectation ; before departure from *Tunis*, he thought it convenient to separate the Risque of the Effects, and carry'd along with him on the *Philip* and *Mary* all the Ready-money, amounting unto Twelve Thousand Nine Hundred Forty Four $\frac{1}{4}$ *Spanish* Dollars ; and fearing to return, and look for his Consorts, he went for *Alexandria*, where, with this Sum, and what other Effects the House had lying there, he design'd to purchase Coffee.

The *Philip* and
Mary run with
the Money for
Alexandria.

In the Month of *June*, the *Philip* and *Mary* arrived at *Alexandria*, when the Plague was so violent, that neither the Captain, nor the Crew,

The Plague
there being
violent,

would adventure to stay for a Lading; so *William Plowman* Landed the Money, and Ordered the Correspondent to Invest the same; and the Proceeds of former Effects, in Coffee, to be sent for *Europe* by the first Ships, in case that the *Peace-Sloop* did not speedily appear.

This Ship goes
for Scanderoon.

This Accident made Capt. *Brome* resolve to go for *Scanderoon*, to seek a Lading, to defray the Charge of the Outset, and Expence of the Voyage.

The *Philip* and
Mary is attack-
ed by a Ship
under French
Colours, who
afterwards
yielded.

On their Passage to *Scanderoon*, in the Month of *June*, and Night-time, near to the Island of *Cyprus*, they encountred a Ship; who, so soon as they hailed her, fired a Broad-side at them, and brought the Top-Mast of the *Philip* and *Mary* by the Board; but after a short Dispute, surrender'd, and proved the *Virgin's Hope*, Capt. *Francis Leoncé*; One of these Three Vessels for which *William Plowman*, by the Great Duke's Sentence, is condemn'd; which is a further Evidence of His Serene Highness's very great partiality, in barring an *Englishman* from a lawful and necessary Defence, when the *French* gave the first attack.

Her Arrival
and Dispatch
at Scanderoon.

In the Month of *July*, the *Philip* and *Mary* arrived at *Scanderoon*, where *William Plowman* debark'd, and went to *Aleppo*, for clearing some Dependances which the House had with Merchants there; and having recover'd some Effects, and procured others at Freight; in a short time the Ship was Laded for *Messina* and *Livorno*, and left *Scanderoon* in the beginning of the Month of *August*; *William Plowman*, Passenger, with Goods to a considerable Value, consign'd to him by *Messieurs Vernons* of *Aleppo* for their proper Account.

Will. Plowman
embarks upon
the *Golden Rock*.

In a short time the *Philip* and *Mary* arrived at *Cyprus*, where *William Plowman* had some Affairs to terminate; considering, that this Ship was foul, deep laden, and the too great Risque which he run of his Person, and such considerable Effects upon one bottom, he dispatch'd her, and afterwards went Passenger on the *Golden Rock*, a *Dutch Ship* of 40 Guns, well Mann'd, and a reputed Sailor; upon which Ship he embark'd what Effects he recover'd at *Cyprus*.

The *Dutch*
Chase a *French*
Bark, which
by Election
surrender'd to
the *Philip* and
Mary.

About Ten days after departure of the *Golden Rock* from that Island, the Captain gave Chase to a Bark, who fled to Leeward; the *Padrone* spying a Ship of a *French* Fabrick, made towards her, in hopes of finding Friends and Relief; but a Calm succeeding, the *Dutchman* hoisted out his Lance; the other Ship which was in sight, proved the *Philip* and *Mary*. Capt. *Brome*, who discerning this Action, put abroad *English* Colours, and Mann'd his Pinnace, which arriving first at the Bark, the *Padrone* thereof by Election surrender'd her a Prize, and himself a Prisoner to the *English*.

A dispute arises
between
the *English*
and *Dutch*,
about this
Bark.

Upon this Accident, a dispute arose between the *Dutch* Commander and Capt. *Brome*; *William Plowman* was sent Aboard the Prize to treat an Adjustment; but finding the Impossibility of pleasing both Parties, his Inclinations and Interest sway'd him to stay with the *Philip* and *Mary*; upon which Ship he arrived at *Messina* in *September* 1696.

Will. Plowman's
Effects seiz'd
and confiscat-
ed by the
Dutch on this
pretence.

For this Bark, which was the *Lady of Good-Encounter*, *Padrone John Turcon*, by the Great Duke's Sentence, *William Plowman* is condemn'd to satisfy the *French* Proprietors entirely; a convincing Proof of his Serene Highness's great partiality in their favour; considering,

That the *Golden Rock* came into the Port of *Messina*, and finding Capt. *Brome* would not grant a Moiety in the Prize, the *Dutch* Commander carry'd along with him for *Holland* the Goods laden on his Ship, under the Name of *William Plowman*, to the Value of Five Hundred Pounds

Pounds *Sterl.* and in the Admiralty of *Rotterdam* obtain'd their Condemnation to his proper use, no person appearing there in defence of *William Plowman's* Right; and with this the Duke was acquainted before his Sentence was passed.

At *Messina*, *William Plowman* perform'd the *Quaranteen*; and notwithstanding, that there was then in that Port, Six of *His Majesty's* Ships of War, design'd for a Reinforcement to the *Turkey* Convoy; upon which the Complainant might have secur'd himself, had he been in the least apprehensive of having acted unwarrantably towards the Great Duke; he was so sensible of his Innocence, that he took passage upon a Felucca for *Naples*, with design to go from thence, by way of *Rome*, to *Livorno*, to visit his Family, and manage his Affairs there.

His Innocence in leaving of *Messina*, where was Six English Ships of War.

In the beginning of *October*, *William Plowman* arrived at *Naples*; and for clearing of Concerns belonging to himself, and other friends, as well as to the House, he stay'd there until the Month of *January*.

He comes to *Naples*.

During this time, *William Plowman* caused to be Transported from *Messina* to *Naples*, sundry Merchandizes belonging to himself, the House, *Messieurs Vernon's*, and other Friends, which he left in the hands of his Correspondents to be disposed of, for the advantage of the Proprietors, per Factories of their Cost Importing ———— Dollars 20,000. which, at Five Shillings *Sterl.* per Dollar, makes Five Thousand Pounds *Sterl.* as appears by the Account in the *Appendix*, N^o. 8. *l.* 5000 *Sterl.* which Effects were afterwards taken by the Agent of the Grand Duke, sold by Inch of Candle, and their Proceeds convey'd into the hands of the *French*.

He comes for *Naples*, and brings considerable Effects.

While *William Plowman* remain'd at *Naples*, he was carefully solicited to come forward to *Livorno*, under the alluring pretence of clearing himself honourably to the Duke, and consequently his Highness to the *French*, received Promises of a kind reception, with assurances of this Prince's Favour and Esteem, as appears by Letters translated in the *Appendix*, N^o. 9.

Had promised of a kind reception.

These apparently-kind Invitations induced *William Plowman* to leave *Naples* sooner than his proper conveniency allow'd, and to set forward from thence about the 20th of *January* 169⁶ for *Rome*.

Now the Scene was ready for a fatal Tragedy to *William Plowman*; for in a few days after his Arrival at *Rome*, being at Dinner in the House of one *Giacomo Nattucci*, an *Italian* Banquier there, and Correspondent to the House at *Livorno*, but a Dependant on the Great Duke, and by his Ministers secretly employ'd to be an Actor in the barbarous and unhospitable Surprizal of the Complainant: He was, after a most ignominious manner, seized by the *Sbirri*, (vulgarly called Thief-catchers,) and being fettered and chain'd, he was by them hurry'd from the Table to a Dungeon, without giving him any reason for their inhuman proceedings, or leave to speak with any person upon the matter.

Seiz'd at *Rome*.

When *William Plowman* was secured in the Dungeon, with much ado he prevailed on the Keeper, to acquaint him, That he was in this manner so harshly treated by Order of the Pope; who had been informed by the Envoy of *Toscany*, that the Complainant was a Subject of the Great Duke's, and a Pirate, in having under his Serene Highness's Colours attack'd, and made Prizes several *French* Ships; and so was to be brought to condign punishment.

as a Subject to the G. D. and Pirate.

Being

Acquaints his
Friends

Being amazed at the unwarrantable Method, and sinister Information of the Great Duke's Agent, in surprizing the Pope into the Violation of the Laws of Nations, and special Privileges of *Rome*, *William Plowman* obtain'd leave from the Prison-keeper, to write to some of the *English*, desiring them to acquaint the Governor of *Rome*, viz.

That he was
an *English* Sub-
ject.

That *William Plowman* was Born at *London*, of *English* Parents, and never Naturaliz'd in the Great Duke's State; nor had made use of his Serene Highness's Colours to surprize the *French*: That he had been a Passenger only on Board the *Philip and Mary*, Commanded by Captain *John Brome*, who carry'd a Letter of Mart from the King of *Great Britain*; and who, under *English* Colours, had always fought the Enemy; desiring the Case might be brought to a legal Tryal, before any Court of Justice, that the Pope should think competent.

Notice taken
by Ambassa-
dors.

This Affair being divulged at *Rome*, the Ambassadors of the Emperor, and of *Spain*, were resolv'd to assert the Right of Nations, and to assist the Subject of *His Majesty* in Alliance with their Sovereigns.

A Petition to
the Pope.

Sundry of the *English* Nobility and Gentry, then at *Rome*, moved in the Case; and in behalf of the Prisoner, a Petition was presented to the Pope, the Copy whereof is Translated in the *Appendix*, N^o. 10.

Romans mur-
mur.

The *Romans* were under admiration to see the Pope thus imposed on by the Envoy of *Toscany*, and the generality of the better sort did murmur at the manifest Innovation against their Privileges; amongst which, the protection of Strangers was never reckoned the meanest.

The Affair
jumbld be-
twixt the
Pope and
Great Duke.

The Pope's Secretary of State, upon these Emergencies, had a Conference with the Great Duke's Envoy, who thereupon did immediately dispatch an Express to his Master at *Florence*; and having in three or four days receiv'd an Answer, he adjust'd the Matter privately with the Court of *Rome*; who did not only refuse a legal Tryal of the Case, and liberty of pleading in behalf of *William Plowman*, but abandon'd him, and left him to the Mercy of the Great Duke.

Will. Plowman
hurry'd from
a Dungeon in
Rome to ano-
ther in *Flo-*
rence.

Upon the 10th of *February* 1697, about midnight, *William Plowman* was pulled out of the Dungeon, loaded with Fetters and Chains, and in the Dark and Snow was drove away by a Company of *Sbirri*, who guarded him to the Confines of the *Ecclesiastical State*, where they took an Instrument of their surrendering him to the Great Duke's Officers, and *Sbirri*, who hurry'd him with the like Cruelty to another Dungeon in *Florence*, where he was detain'd *Thirty-two Months*, contrary to the Laws of Nations, Equity, Good Conscience, and the Common Faith that is to be preserv'd amongst Mankind; especially the *Italians*, who pretend to a Nicety in refined Civility, and who in History have so many famous Examples of their Ancestor's Moderation and Generosity to those who were under their power and protection.

From henceforward, for the Space of 32 Months, *William Plowman* underwent all the Misfortunes that a Prisoner could fear, from a Prince influenced, exasperated, and stimulated by the constant and subtil Insinuations of Seignior *Quaratesi*; who ran to such a horrid Excess of rigor, in threatening the Prisoner with Tortures, Poyson, and Death, that his Highness suspended this Minister some time from meddling with the Affair: If his Confederates had been totally excluded, it is very probable that the Great Duke would have consented sooner to the Enlargement of the Prisoner, and Relief of the Innocent House, for preventing those Damages, which both of them have sustain'd by the Proceedings of the Court of *Florence*, in a method beyond Example. The Case clearly thus:

William

William Plowman, an *English* Merchant, under Bolts and Chains, de-
barr'd Conversation, or Correspondence with Friends, tormented with
Fears, and the rigorous Contrivances of Seignior *Quaratesi*, intimidated
by the surprizing Practices of others, and constrain'd at all times, and
in all things, for Self-preservation, to make whatever Declarations the
Great Duke's Ministers thought fit to exact of him, in order to the lay-
ing a foundation for the Sentence, which they had already projected,
to be passed by the Grand Duke, who, they very well knew, wanted
the requisite Supports for establishing it, according to Justice: For proof
of this Assertion, reference is humbly craved to the Observations on
the Great Duke's Sentence. *Appendix*, N^o. 15.

His Condition
in the Dun-
geon.

Before Sentence was passed by the Great Duke against *William Plow-
man*, the House had recourse to His Serene Highness, in a submissive
manner; They recommended to his Consideration, the important Con-
cerns which they had depending with the Prisoner, which inevitably
would be lost, if he, and they, by his Confinement were hindered from
the Management of their Affairs in that conjuncture, and consequently
the damage which would accrue to their Credit and Interest, as well as
to their Correspondents, Merchants in *London*, and *English* Traders else-
where; And to move the Great Duke to an Accommodation, the House
offered themselves personal Sureties for the Appearance of the Prisoner,
when ever his Highness should Command it; and for his Indemnity,
to depose in the hands of his Ministers whatever Sum the *French* Pre-
tensions upon an exact Liquidation should amount unto.

The Condi-
of the House
at that jun-
cture.

These Proposals were in Effect, as well as in Appearance, so reason-
able, that the Great Duke seemed inclinable to accept them, and for
that purpose gave *John Crookbanks* leave to visit the Prisoner; with
whom, and Seignior Auditor *Angeli* the Judge, deputed by his Serene
Highness, the Matter was discuss'd and calculated, that the *French* Pre-
tensions might in the greatest Extent amount unto ——— Dol. 41,600
And that if they allowed the Vessels ransom'd, which, } ——— 27,600
with other Effects, were seized to the Value of ——— }
That then, to compleat their pretence upon account of }
Prizes taken by the *Philip* and *Mary*, was only wanting — } Dol. 14,000
as appears by Account in the *Appendix*, N^o. 11.

Their Propo-
sals to secure
the G. D. for
the Import of
French Preten-
ces.

This Conference passed in the Prison at *Florence*, when the Grand
Duke was at *Livorno*, who appearing satisfied with the Account which
Seignior Auditor *Angeli* gave of the Transaction; the House, pursuant
to what they had reason to judge formerly establish'd, did deposit in the
hands of Seignior *Francisco Teriesi*, Proveditor of the Grand Duke's Cu-
stoms, Forty Nine Bales of Goods, per their Book of Factories, folio 240,
Transcrib'd in the *Appendix*, N^o. 12. imports Dollars 8,263:5:6.
For compleating the Agreement, they furnish'd a Bill of }
Exchange, accepted by a reputable Merchant, Copy } 6,000. —
whereof is in the *Appendix*, N^o. 13. for ——— } 14263:5:6.

Accomplish'd
by the House.

When this Bill of Exchange was carried to *Florence*, to be tender'd to
Seignior Auditor *Angeli*, as Complement of what was concerted; all the
Merchants at *Livorno* did conclude and advise their Correspondents
abroad, that *William Plowman's* Liberty was purchased, and it was so
inserted as News in the publick Manuscripts at *Florence*.

The G.D. flies
off.

His Excuse.

But when this Bill of Exchange was offered to Seignior Auditor *Angeli*, he seemed concerned, because the Agreement could not on the Great Duke's part be fulfilled, and for reason of the delay alledg'd, that the Duke had lately received a very threatening Letter from the *French* Secretary of State ; so that his S. H. could not use Clemency towards the House, without danger of incurring the displeasure of *France*.

The House is disappointed.

The House being thus disappointed, desired the Restitution of their 49 Bales of Merchandise deposited in the hands of Seignior *Terlesi*, but were denied, upon pretence of Accounts depending betwixt them and *William Plowman* ; which the Great Duke's Ministers resolved to see cleared, for Indemnity of his S. H., expecting to be the Administrators to the Prisoner. *Appendix, N^o. 12.*

Spoiled of their Effects.

Tho' these Goods were voluntarily laid down, with the expresse Condition of *William Plowman's* Liberty ; yet they were Arbitrarily detained, sold at publick Outcry, and their Proceeds, by Order of the Great Duke, put into the Possession of the *French*.

The Consequence.

This Proceeding can never be justified by his Highness, nor excused by his Ministers ; for it was an irreparable Blow to the Credit and Interest of an *English* House Trading at *Livorno*, and the Consequences so plain to their detriment, that it's stedfastly hoped *His Majesty*, taking pleasure in relieving the Oppress'd, will in a particular manner vouchsafe His Royal Protection to these his Injured Subjects.

Notwithstanding the King's Intercession,

The House has been so bore down by this Transaction, that every Person of Honour, who examines the Circumstances thereof, will become their Advocate ; encourag'd thereto, by the Steps which *the King* has been graciously pleased to take, for Relieving *William Plowman's* Person from Chains, his Effects from Sequesters, and for the general Security of his other Subjects in their Trade.

and Moderation.

There is no Subject that will not admire *His Majesty's* Moderation, in condescending by sundry Letters to exhort the Great Duke to Actions of Justice, while his S. H. by his Answers sought only Delays ; and at last being altogether sway'd in favour of the *French*, has endeavour'd to elude *the King's* Just and Merciful Intentions, as shall in the Sequel of this Narrative be clearly demonstrated.

A Frenchman comes to Liquidate the Prizes.

In process of time, at request of the Grand Duke, the Secretary of State at *Versailles* ordered the Chevalier *Darvieux*, a Person of Worth and Experience, to be dispatch'd from *Marseilles*, in name of the Chamber of Commerce, to Liquidate the Value of the Ships and Cargo's in dispute.

His Demands

This *French* Agent, upon arrival at *Florence*, demanded the Restitution of all the *French* Ships that had been taken in the *Mediterranean-Sea* by any *English* Ship which had touch'd at *Livorno*.

Restrain'd by the Great D.

But being afterwards directed by the Great Duke and his Ministers to restrain the Demand ; for those only taken by the *Philip* and *Mary*, he remained satisfied therewith ; and according to his Instructions, referred the final decision of the matter to his S. H's. Will and Pleasure.

So his H. could not be oblig'd to the French,

This seems a strong proof, that the Great Duke was never really liable to the Demands of the *French* only for their satisfaction ; lent his Power and Authority in *Italy*, for Persecuting and Oppressing those *English* Subjects, whose traffick and designs had been prejudicial to the *French* Interest.

Until the Treaty at Ryswick concluded.

At this time the Treaty at *Ryswick* being near a conclusion it was judged prudent to keep the Great Duke and *French* Agent in suspense, till the Peace should be signed, when it would be known who were comprehended in the Acts of Indemnity therein establish'd.

In

In order thereunto, the Liquidation of the Ships and Goods in question was with the Chevalier *Darvieux*, managed by *John Crookshanks*, who desisted so soon as it was known, that *William Plowman* might claim the Privilege of the 3d Article, transcrib'd in the *Appendix*, N^o. 14.

The Complainants suspend

The Prisoner was further encourag'd to decline an Accommodation, upon notice given him of His Majesty's Gracious Orders to Sir *Lambert Blackwell* his Envoy Extraordinary at *Florence*, for demanding the Enlargement of *William Plowman's* Person, the restitution of his and the House's Effects, with entire reparation of their Damages.

Upon Orders given by His Majesty to his Envoy.

This exasperated the Great Duke, and augmented Seignior *Quaratesi's* malice; so upon refusal of an Adjustment with Monsieur *Darvieux*, the Court of *Florence* resolv'd on passing the Sentence at any rate against the Prisoner in a Dungeon.

The Duke offended,

As the Great Duke and his Ministers were strangers to the Value of the Ships in question, the Copy of the *French Demands* for the three Vessels and Cargo's, by them pretended to be taken by the *Philip* and *Mary*, was transmitted with Orders to the Governor of *Livorno*, for calling a Merchant of every Nation, experienc'd in the *Levant* Trade, to calculate the Worth of these Ships, and their Cargo's.

Proceeds to the Liquidation.

The Merchants of several Nations, being so call'd, each having his proper Motive to wave a concern, which contradicted the Intentions of so many Sovereign Princes in the Treaty of Peace, far from adhering to the Governor's proposal; these Merchants did unanimously concur in supplicating the Grand Duke to dispence with them from obeying his Commands in that point.

Merchants refuse a Calculation.

Upon return of their Answer to *Florence*, His Highness and his Ministers proceeded in perfecting the modell'd Sentence, which, after the Conclusion of the Peace at *Ryswick*, was denounc'd in these terms, copied from the Original in *Italian*.

He makes it Arbitrarily.

We *Cosmus* the Third, Great Duke of *Toscany*, &c.

William Plowman, An English Merchant in our City and Port of *Livorno*, at present by our Command detain'd In the Prison, call'd *The Otto* of this City of *Florence*; Having assur'd, and Given us his Word, that the Ship *Philip* and *Mary*, Arm'd in our said City and Port of *Livorno*, Commanded by Capt. *John Brome*, an Englishman; upon which Vessel the said *William Plowman* Embark'd, should not molest, or give any trouble to The French Ships, or Vessels; and notwithstanding hereof, it appearing to us, that having departed from *Livorno*: By her were taken three French Vessels; viz.

The Ship *Santa Barbara*, Capt. *Joseph Fougass*, coming from *Constantinople* to *Marseilles*.

The Ship *Virgin's Hope*, Capt. *Francis Leoncé*, who from *Scanderoone* and *Cyprus* was passing for *Venice*.

The Bark, *Lady, Good Encounter*, Padron, *John Turquon*, who from *Marseilles* was going for *Cyprus* and *Scanderoone*:

With all their Ladings, in contravention of the Promise made us; in consequence whereof, having receiv'd Petitions in behalf of the French concern'd, in the said Vessels and Ladings, for reparation of Damages by them suffer'd, by reason of these Depredations:

It

It is our Will, to this effect, the said Plowman shall make good the Damages done in contravention of his said word, With full Cognizance of the Cause, and the actions happen'd, having heard The Report to us made by Word of Mouth from Auditor Peter Angeli, one of the Auditors of this our Council of Favour and of Justice, who, by our Order has examin'd the Matter, according to the Terms of Reason, heard one and th' other Party, viewed their Writings; Having taken from us a precedent information with due regard to the Value of the foresaid Effects, made Prize of, with our certain knowledge of the Breach of the said Promise; We arbitrate and declare the said William Plowman to be held, and obliged to restore the said three Vessels; viz.

The Ship Santa Barbara, Capt. Joseph Fougafs.

The Ship Virgin's Hope, Capt. Francis Leoncé.

The Bark, Lady of Good Encounter, Padron, John Turquon, with their Ladings, to the Gentlemen concern'd, or Their just Value, which Arbitrarily, with the precedent Informations and Knowledge as above; We liquidate to amount in all and for all, to the Sum, and Quantity of Forty seven Thousand currant Dollars; and for so much we say the said Plowman is held, and obliged to restore, upon account of the said Prizes, in virtue of the Promise to us made, freeing the said Plowman upon this Head, from all other Molestations and Pretences, declaring withal, that in satisfaction, and in part of the said Sum of Forty seven Thousand Dollars Ought to be imputed, as we ordain to be imputed, The Right which the said Plowman has against Capt. Leoncé, and other French Merchants, to whom he released the said Ship the Virgin's Hope, and part of her Cargo, and to the Bills of Exchange Sequestred at Venice; as also his right against Padron John Turquon, to whom in the like manner he released the Bark the Lady of Good Encounter, and part of her Lading, and farther the Rights competent to the said William Plowman, upon a parcel of Coffee for his proper account, sent to Victoir De Saint Amand of Marseilles and others; Which Rights, We say the said Plowman is Held and obliged to yield and transfer in good and valid form, with the necessary and opportune Clauses, in favour of the said Interest'd in the Prizes, and for the remainder to the full import of the said Forty seven Thousand Dollars; We say the said William Plowman is held, and oblig'd to complete, either by Restitution of the Effects taken, or in so much Ready money; and to this effect We will that our aforesaid Auditor Peter Angeli give the Necessary and opportune Orders for execution of the Premises, by way of Those Tribunals which shall be most proper always, and as often as need shall require against the Effects, Goods and Credits of the said Plowman, and until the said Interest'd be entirely paid the whole Sum of Forty Seven Thousand Dollars.

Reserving to our selves in case any difficulty should arise about the foresaid Renunciations and Cessions, or the import thereof, the faculty to decide, and terminate them, and thereupon to make all and such Declarations as we shall judge necessary, all, &c. notwithstanding, &c.

S I G N E D,

The Great Duke of Tuscany.

I Benedi^{ctus} Quaratesi, Secretary of State of the Most Serene Great Duke of Tuscany, have receiv'd from the Hands of His Highness this present Sentence, which by me receiv'd, was by his Order read in Presence of the Illustrious Lords, The Marquis Francis Riccardi Major Domo Majore, and Marquis Philip Corsini Cavallerizzo Maggiore of His Highness, in the Chamber of His Highness, the 28th Day of September 1697. This Sentence was put into the Secretary of State's Office, there to be kept.

The 9th of October 1697, I the under-written Secretary of State, of the Most Serene Great Duke of Tuscany, do declare to whom it may concern, That the present Copy was Abstracted word by word from the Original, remaining by His Highness's Order in this Office.

Carlo Antonio Gondy.

With great Submission, the Complainants ask leave to say, That no Potentate in Europe, in Amity with the Crown of England, would have adventur'd to give such an open and avow'd Defiance to the King and Kingdom, in the manner which the Grand Duke's Sentence seems to imply.

For passing under Silence the Allegation given at Rome by the Envoy of Tuscany, His Highness now declares manifestly, That William Plowman is an Englishman; That the Philip and Mary was Commanded by John Broome, likewise an Englishman; and upon this Foundation proceeds to the arbitrary Condemnation of the Prisoner, without reserve, or the least compassionate regard to the other English Subjects concerned.

It was not reasonable for English Traders, and much less for the Prisoner, to desire an equitable Revision of this Sentence from the Great Duke, when they saw his Serene Highness had adventur'd to gratify those in declared War with this Kingdom, by giving them Reprisals upon His Majesty's Interest and Share in these Prizes, without Compliment, or asking *Con Licentia*.

In all Articles wherein his Serene Highness imagin'd the French might not be entirely satisfi'd, and that consequently a dispute on their part might arise, he vails his Sovereign Authority, and reserves to himself only a Faculty to decide the difference, in such manner as he should think fit, and by subsequent proceedings on this score, the Great Duke's partiality to the French has been sufficiently manifested.

His Serene Highness (using his own terms) arbitrarily gives a Sentence, wherein he was Party, the only Witness, as well as Judge, without Cognizance of the Cause, or due Examination of the Circumstances in matter of fact; these, and the other concurring Nullities, to render this Sentence invalid, and without excuse, are fairly explain'd in *Append. N^o. 15*.

However, allowing the Grand Dukes Pretences in their full extent as valid as his Assertion would make them, yet he has aggravated William Plowman by this Sentence ————— Dollars 38,500. which at 5s. Sterl. per Dollar, is Nine Thousand Six Hundred Twenty-five Pounds Sterl. as by particular account in *Appendix, N^o. 15. l. 9625 Sterl.*

The foregoing Sum for which William Plowman is aggravated, by the Sentence, amounts to ————— Dollars 38500.

To which adding the Sums sequester'd and in possession of the French, which by the Grand Duke's Sentence they were to allow, and by account in *Append. N^o.*

Import in all ————— Doll. 27600

From which deducting the Import of the Great Duke's

Sentence in the greatest rigour ————— Doll. 47,000

The French were at the first Instant Overpaid ————— Doll. 19,100

E

which

England attack'd

in open manner.

Reprisals given on His Majesty's Interest.

The French favour'd

By the G. D's partiality.

Will. Plowman much aggravated.

Grievances.

which at 5 Shillings *Sterl.* per Dollar, is Four Thousand Seven Hundred and Seventy-five Pounds *Sterl.* Overcharg'd by the Duke— *l.* 4775 *Sterl.*

This Calculation is made according to his Serene Highness's Pretensions.

The Extorting of which Sum from a Particular and Trading Man, in *William Plowman's* Circumstances, tended to the accomplishment of his Ruin, and render'd him incapabale to support his distressed Family and seven Children, while he remain'd in Chains, and a Dungeon.

Grievances.

The Grievances by the Sentence, and foregoing Proceedings, were followed with as irretrievable Hardships; for the Great Duke was resolved to gratify the *French* entirely, by sacrificing to their Revenge this unfortunate Man's Effects, without reserve.

In order whereunto, the Prisoner was forced and constrained to assign and make over to his Serene Highness's Agents, whatever Effects belong'd to himself, or to others under his Name, at *Naples*, which were by the Duke's Ministers sold, and their Proceeds convey'd into the hands of the *French*, they cost by account in *Append. N^o. 8.* Doll. 20,000.

In like manner, were put into the Possession of the *French*, the Produce of those Goods, which upon express condition of the Prisoner's liberty, were thus deposited by the House, Importing by *Appendix, N^o. 12.* ——— 8,263:5:6

To which adding the Sums sequestred, and in possession of the *French*, which by Sentence they ought to allow 27,600. —

In possession of the Great Duke and *French* ——— Doll. 55,863:5:6

while *William Plowman* was in a Dungeon, and calculated at 5 *s.* *Sterl.* per Dollar, amounts to Thirteen Thousand Nine Hundred and Sixty-five Pounds, Sixteen Shillings and Four Pence, *Sterl.* ——— *l.* 13,965:16:4

When these Effects were put into the hands of *Sofine*, Agent for the Chamber of Commerce and *French*, The Great Duke's Ministers finding these proceedings too despotick, and manifestly opposite to the sense of his Highness's Laws, they contrived a *Salvo* to render their Excuse plausible.

But it is humbly conceiv'd, upon impartial examination it may appear, that instead of gaining their intent, they have totally overthrown the Sentence, and exposed their Master's Honour, as well as their own Management, to the severest Censure, by a Letter modell'd and sign'd by the Abbot *Gondy*, Secretary of State, directed to the *French* Envoy, and communicated to *William Plowman*, Translated into *English*, thus:

Most Illustrious Sir,

The Grand Duke's proceedings are openly condemn'd by this Letter from Abbot *Gondy*.

THE Money drawn from the Sale of the Merchandize of *William Plowman*, which at present is in the possession of *Seignior Teriesi*, shall be deposited in the hands of *Monsieur Sofine*, not to be by him paid to any person, except Juridically, and by Sentence in the Tribunal of *Livorno*, after that the Identity of the Creditors shall be there verifi'd, and justified, that to them there are none Anterior, who may oppose by having Right to these Effects. This is the ordinary Course of Justice, which requires us to contain our selves in this form, That the payment of the money be made legally: And before this Resolution of his Highness be effected, it ought to be communicated to *William Plowman*; In conformity hereof, *Seignior Teriesi*, shall explain himself, with *Monsi-ur Soane*, from whom he shall exact an Obligation not to contravene, and to remain Surety for

for the Money, whereof he shall be depositaire, To pay no part thereof, but in that manner that shall be to him prescribed by the ordinary Judge of Livorno. Concerning this Letter, Reference is humbly crav'd to *Append N^o. 15.*

In consequence of this Declaration made in the Name of the Grand Duke, by his Secretary of State Abbot *Gondy* in the foregoing Letter, the following Persons, as Anterior Creditors laid their Claims.

Gabriella Phenix, a Widow, and Sister-in-law to *William Plowman*, produced in Court his Obligation of sundry Years standing, in authentick form, vouch'd by irreproachable Witnesses, for the Sum of Three Thousand Seven Hundred Dollars, which she had placed in his hands at Interest, part of her Dowry, which the *Italians* call *Dota*, and by the Laws of their Country carry'd the Anteriority with a special Privilege; for it was never known that before her, any Woman had been spoiled of her *Dota*.

Mr. *John Burrows*, The English Consul at *Livorno*, did likewise in the name and behalf of *Messieurs Vernons*, lay a Sequester upon this Money, as being the proceeds of a parcel of Cotton-Yarn, by them consign'd to *William Plowman*, which, by the Grand Duke's Agents, was, with the other Goods at *Naples*, taken *in specie* under the Marks of the Proprietor.

The House of *Livorno*, hoped that these Claims would have brought the matter to a fair Tryal, and reckoned themselves sufficiently secur'd by the Grand Duke's promise of Justice, as well as by the Conditions upon which their 49 Bales of Goods were deposited, judging that no person could contest their Title; to save charges they forbore a pursuit, knowing the Case was not in a posture for decision in favour of those who had the best Right.

The Great Duke's Ministers in this contrivance, were so far from minding Monsieur *Sosine's* Obligation, and the Proposals of Justice in Abbot *Gondy's* Letter, that, by the sequel will plainly appear, their intention was only to perpetuate *William Plowman's* misery, to perfect the Ruin of the House, and to frustrate the others concern'd.

The Judge at *Livorno* admitted Informations, but never would enter on the decision of the Affair, pretending that he durst not do it, without the requisite Orders from his Superiors.

By this additional and undoubted proof of the Great Duke's partiality the *French* were encourag'd to insist on the rigour of their Pretensions, and to refuse any Accommodation for Relief of the Prisoner, and innocent House.

At last all the Money was without any form of Justice, in a very clandestine manner, put into the hands of the *French* Consul, never to be reclaim'd; and that in virtue of an Agreement and Order extorted from the Prisoner in a Dungeon, before his Liberty could be obtain'd; as appears in the *Appendix*, N^o. 25.

The Court of *Florence*, in appearance, have not aimed so much at condemning the Action, as at mortifying the Person of *William Plowman*, and ruining those who were by Interest engag'd, and by Compassion moved to assist him under his Oppressions.

This Assertion, with great submission, will be clearly demonstrated by the fair Representation of the harsh and unjust Treatment which the House suffered in the business of the *John Galley*, an *Engl^{ish}* Ship.

Nicholaus Reggio, the Commander of this Vessel, upon his arrival from *London* to *Livorno*, refused to obey the House, and the Orders of his other Owners, was at instance of the House sequester'd; but by the means of one *Catelani*, a Subject of the Duke's, under the special protecti-

In consequence,

Widow *Phenix* lays Attachment.

John Burrows lays Attachment.

The House think their effects secure.

Gondy's Letter only intended to elude Justice.

Tryal deny'd at *Livorno*,

To favour the *French*.

The *French* put in possession of all.

The Great Duke's aim

Demonstrate

on of Seignior *Quaratesi*, the Captain was freed and assisted in carrying out the Ship violently from her Proprietors, in raising of Money and Men publicly on the place, to go upon the Cruise against the *French*.

This *Reggio*, in few days, brought into Port a *French* Prize, to the value of Fourteen Thousand Dollars, Landed the Goods in the Duke's publick Magazine; and notwithstanding all the Diligence and earnest Solicitation used by the House, they could not obtain leave, in their own and other Owners name, to seize the Ship and Goods, by right appertaining to them.

By the Case of the *John* Galley, whereof the Complainants were spoiled.

On the contrary, this Capt. *Reggio* was assisted by *Catelani* and his Accomplices, under the protection of Seignior *Quaratesi*, to raise Men and Money, for carrying out the Ship a second time by force, to Cruise against the *French*; and within a few days lying in sight of the Port, she was taken by the *French*; whereby the House, and other *English* Merchants concern'd, lost Seven Thousand Five Hundred Pounds *Sterl*.

While the House mov'd in defence of their own and Friends Right, no notice was taken of their Complaints; but when the *French* Envoy ask'd satisfaction of *Catelani*, and others at *Livorno*, Subjects of his Highness, concern'd in the Cruise with *Reggio*; the Duke gave Orders immediately for their Imprisonment, and accordingly they were seized.

But by means of Seignior *Quaratesi*'s influence over the Great Duke, and prevailing Interest with the *French*, *Catelani* and his Accomplices were soon set at liberty, for all punishment were condemn'd to *Livorno* for a Prison and in a small time thereafter, that Sentence was revok'd; the whole state of this Case is explained in the *Appendix*, N^o. 16.

Example of the greatest partiality and indignity that ever was offered to *England*.

This appears to be a piece of partiality beyond excuse; for the Court at *Florence* can't forget, that within a little time after *William Plowman*'s Imprisonment, *The King of England* was graciously pleased to desire the Grand Duke would confine the Prisoner to *Livorno* only, to prevent the utter destruction of his Affairs; but his Highness did not comply.

Had not the Great Duke and his Ministers nourish'd a Resentment against the Person, more than against the Action of *William Plowman*, they would have brought *Catelani* as a Subject of his Highness, under a severe Condemnation; he might be justly called a Pirate for robbing the *English*, and spoiling the *French* at the same time; and have passed a milder Sentence against *William Plowman*, a Free-born *Englishman*, who in quality of Passenger, embark'd upon an *English* Ship, the Commander whereof carry'd *His Majesty's* Commission, and went to Sea upon a lawful design.

The House set forth their Sufferings.

Before and since the publication of the Sentence, the House by Petitions to the Great Duke, did often set forth the Hardships under which they labour'd, by reason of *William Plowman*'s Imprisonment, supplicating his Highness to let the Prisoner out upon their Bail, and Obligation to answer personally for his Appearance; offering, for a further security, the Assignment of considerable Sums due to them, by Subjects of the Great Duke and Merchants at *Livorno*; but their Proposals were either rejected, or ill apply'd.

Make proposals.

To transcribe all the Offers made by the House for the Liberty of *William Plowman*, would swell this Case to too large a Volume; Sir *Lambert Blackwell* has had Copies of them, to be transmitted to *His Majesty's* Secretaries of State; the last whereof was so pressing, and so reasonable, as might have moved the greatest Enemy to Compassion and Compliance; being to the following purpose.

The

PROPOSALS to the GRAND DUKE, for the Liberty of *William Plowman*, and Relief of the Innocent and Oppressed House.

Dollars.

Dollars.

	THE Prisoner, by Sentence, being condemned to the Payment of ————	47,000
27,600	Effects Seiz'd and Sequestred by the <i>French</i> , which by the Sentence they ought to allow. <i>Appendix, Numb.</i>	
16,000	Money by the Duke's Orders put in the hands of Mr. <i>Soufine</i> , proceeding from Goods deposited at <i>Livorno</i> , and Effects drawn from <i>Naples</i> .	
43,600	Was now only wanting to compleat the Sentence on the Duke's Terms, allowing all the destructive Management of his Ministers.	
3,400	Import of the Duke's Sentence ————	47,000

Three thousand four hundred Dollars Complement of the Sentence, was a small Sum for the Duke himself to have laid down to relieve the House from the hardships wherein he had involved them, without reason, or cause of Offence.

Dollars.

	However, for Security of this Sum of 3400 Dollars, and for the Indemnity of the Great Duke, the House offered to Assign their Claims and Rights to Debts and Dependencies at <i>Livorno</i> ; as by particular account in <i>Appendix, Numb. 17.</i>	20,600
	The House and <i>William Plowman</i> , being willing to use their utmost effort for his Liberty, thereby to save from Ruin the remainder of their dispers'd Effects, the Prisoner offered his <i>Wife's Jewels and Plate</i> to be laid down, or pledg'd for Value of ————	3,000
	Adding the above Sum in the <i>French</i> hands ————	43,600
	For Security of the Sentence, they had now in their Possession and Offer ————	67,200

For encouraging the Duke and his Ministers the more easily to grant the Enlargement of *William Plowman*, his Eldest Son offered to remain a Pledge in Prison; *William Shepard* and *John Crookshanks* were willing to Oblige their Persons for the Appearance of the Prisoner when his *Highness* should Command.

To remove all suspicion of a design'd Surprisal by these Offers, the Complainants were willing to invest the Duke, or whom he should Appoint, with Power sufficient to recover and take into Possession all Effects belonging to them, all their Credits, as well in the Ports of *Tunis*, *Alexandria*, *Aleppo*, *Smirna*, *Cyprus*, *Messina*, *Naples*, *Rome*, *Venice*, and *Genova*, as at *Livorno*, and for that Effect to grant a general and irrevocable Procuration.

F

Declaring

Declaring at the same time, that the Urgency of their Affairs required this expedient, and that their true intention herein was for three principal Ends.

The Reasons
of the Pro-
posals.

1. To keep the Grand Duke harmless and indemnified from any pretence of the *French*, upon account of *William Plowman's* Liberty.

2. To secure their Effects and their Friends Interest, and to rescue both from the grasping Hands of those who had them in Possession, and reckon'd a Title to detain them, sufficiently founded upon *William Plowman's* Imprisonment, and the House's incapacity without his Subscription and Assistance to prosecute, for Recovery of their Right. *Appendix, Numb.*

3. To shew their firm dependance on *His Majesty's* Justice and Royal Protection, by which means (when all others should fail) they hoped to get a favourable Interpretation of the Third Article of Peace concluded at *Ryswick*, and in consequence their Effects restored.

If the Great Duke and his Ministers had accepted these Offers, the Affair might have been brought by *The King's* Authority to such a reasonable Regulation, as would have relieved the Complainants from great part of the Damages which they have since sustained by the continued severity of the Court at *Florence*.

His Highness and his Ministers were not to be appeased; for instead of Compassion to the Oppressed, they laid hold of all occasions that did contribute to the disadvantage of the Prisoner and the House.

For when the Question was about the acceptance of any offer by them made, if the consequence opened a way for contrivance to their detriment, the Proposal was readily embraced.

On the contrary, if their offer carry'd any prospect of Security, or dispatch towards the Relief of the Complainants, it was rejected and interpreted inconvenient for the Great Duke, and inconsistent with his Dignity, as if they had been afraid that his Highness's condescension would be judged a Remorse, or that the House should ever after make any Figure in the World.

Signior *Quaratesi's* dark
threatning

With great Submission, the foregoing Assertions will appear incontestable, when it's known that it was the Treasurer Signior *Carlo Quaratesi*, who coming to the Prison, receiv'd the last Proposals, carry'd them to the Grand Duke, but in a short time return'd Answer, That his Highness having pronounc'd Sentence, would not re-enter on this Affair, nor condescend to the enlargement of the Prisoner upon any Terms, until the French were entirely satisfied.

John Crookshanks being then at *Florence*, he went and pray'd the Treasurer to consider the circumstances of the Case: *The King of England's* moderation in his Letters, and repeated Desires on this Subject; That *His Majesty* by such Treatment from the Duke might be moved to a just Resentment.

To prevent the same, and the Reflection which would fall on the Great Duke, the House and Prisoner being now willing to strain beyond their Force, *John Crookshanks* supplicated the Treasurer to counsel his Serene Highness not to drive Matters to a perplexing Extremity.

The Treasurer made Answer, that he believed His Highness would not do any thing to which the *French* might deny Compliance; adding, that if the Affair was carry'd high in *England*, *Dalla sera alla mattina sentiremo qualche cosa.*

With.

Without forcing the sense of this Expression, it will by those who understand the *Italian* Idiom and Sentiments, be interpreted, that the Prisoner might be privately carry'd off by a Dagger, Poyson, or some other dark way, which appears to be the proper dictates of the Treasurer's Revengeful Temper, without Authority from his Master the Great Duke.

The Prisoner and House being intimidated by the Discovery of the Treasurer's fatal Resolution, and considering with what success his Designs to their prejudice had been carry'd on, they look'd on themselves as Victims to the implacable hatred of this Minister and his Adherents. Frightens the Complainants

If the Grand Duke had altogether yielded to the suggestions of these Men, without regard to the intercession of *The King of England*; the last Blow would have been given to the extermination of *William Plowman*, and the utter destruction of the House.

In these dismal Circumstances, the House and *William Plowman* found it impossible to pacifie their Persecutors, yet they judg'd it convenient to contrive some means for suspending the Violence, and last effect of their Malice.

That which appear'd most effectual to this purpose, and least subject to a denial, was the proposal of an adjustment with the *French*, whose Title and Interest had hitherto by the Court of *Florence* been esteem'd a sufficient ground for the rigour of their Proceedings against the *English*. To Propositions.

This Overture was made to the Great Duke's Ministers, imparted to his Highness; and by his Approbation, the Complainants sent *John Crookshanks* for *Marseilles*, to treat an adjustment with the particular Persons concern'd, and to move them to an Accommodation for securing the Prisoner's Life, and for saving the Remainder of the House's distressed Estate. And to send J. C. for France.

When *John Crookshanks* arrived at *Marseilles*, he found that the particular Persons interest'd in the Ships and Cargoes in Question, had no Authority reserv'd for treating and concluding an adjustment with him, because they had left the Concern under the Protection and Management of the Chamber of Commerce in that City.

Whereupon he went to that Assembly, and acquainted them with the occasion and intent of his coming into *France*, but they could not enter into Consideration of the Case, without Leave and Orders from their Superior, Mr. *Le Bret*, First President of the Parliament at *Aix*, Intendant of Justice and Commerce in *Provence*.

John Crookshanks made his Application to this Intendant at *Aix*, who being mov'd by the Representation of the Affair, thought it hard that the innocent House should be involved in Ruin, without knowledge of any private Promise given by *William Plowman*, or their assent to the same.

In Consideration hereof, this Intendant did not only declare his generous Readiness to assist the Subjects of *The King of England*, so far as equity pleaded in their Favour, but immediately order'd the Chamber of Commerce to hear, and report to him all the Proposals which *John Crookshanks* should offer to them.

Within a few days thereafter, the Intendant Mr. *Le Bret* came to *Marseilles*; call'd the Members of the Chamber to a Conference with *John Crookshanks*, and having heard the Case for some Hours debated, he

he allow'd both Parties to make their Addresses to Mr. *De Pontchartrain* Minister and Secretary of State, for obtaining from His Christian Majesty a final Order for the conclusion of an agreement.

This Intendant was farther generously pleased to let his Name be made use of by *John Crookshanks*, in Supplicating and Writing to the Secretary of State, which with the Equity of the Case, was the only Recommendation that accompany'd his Petition.

Having obtain'd this Favour from the Intendant, the state of the Case requir'd a very voluminous Memorial, which *John Crookshanks* upon the 12th. of January 1698. sent with a Letter directed to Mr. *De Pontchartrain*, praying his perusal thereof, and orders to the Chamber of Commerce concerning the matter, which Memorial, &c. And Letter are translated in the *Appendix*, Numb. 18.

Tho' Paris be 400. Miles distant from *Marseilles*, yet to the Chamber of Commerce, this Minister of State in 14 days time return'd the aforesaid Letter and Memorial, with his Observations on the same, ordering the Chamber to make their Answer unto every Paragraph thereof, but in a distinct manner to those Articles relating to *Leoncé's* Ship and Cargoe, and to the Effects which by the Grand Duke's Order had been put into the possession of Mr. *Soufine*, part proceeds of those voluntarily deposited by the House, upon expresse Condition of *William Plowman's* Liberty.

So soon as the Chamber receiv'd these Orders, they acquainted *John Crookshanks* therewith, and he return'd by Letter his Humble Thanks to the Minister of State; but finding that after several Conferences with the Chamber of Commerce, they delay'd their Answer for Three weeks time; he took the liberty to acquaint Mr. *De Pontchartrain*, that their delay was very prejudicial to the Affairs of the House.

Upon Receipt of this Letter, the Minister of State gave the Chamber a Reprimand, considering the time they took to answer a Memorial, which he himself had examin'd upon the day of Reception thereof, which did so influence the Chamber, that afterwards they used towards *John Crookshanks* all the Civility which a Stranger could expect from them upon such a Concern.

The Chamber having made their Answer to the Memorial, they return'd both to Mr. *De Pontchartrain*, who without loss of time, order'd them to deduct the value of Captain *Leoncé's* Ship and Cargo; and with a just and generous Sentiment declared, That tho' the Chamber had right to detain *William Plowman* in Prison, for the remainder of the Sum adjudged them by the Grand Duke, yet they ought to consider his Incapacity to satisfy the Sentence, his long Imprisonment and Sufferings which were to be put in an Article of the account to the Credit of that unfortunate Man.

Withal, the Secretary of State order'd the Chamber to call *John Crookshanks* to their assembly, and to acquaint him, that his Offer for the Liberty of the Prisoner was too small a Sum, and to use arguments for inducing him to a larger proposal, commanding them at the same time to assure *John Crookshanks* of their punctuality, in giving an account of their Conferences, that the Secretary might report the matter to the King in Council, and know His Majesty's Pleasure.

After many Conferences and Debates at *Marseilles*, sundry Letters written by both Parties to Mr. *De Pontchartrain*, and his punctual Replies thereon to the Chamber of Commerce, they sent him an account of the matter stated in this manner.

The

The Case stated by the Chamber of COMMERCE.

They demanded in the first Instance made by M. D'Arvieux at Florence, Livres,

55,942—For Captain Joseph Fongas's Ship and Cargoe.

73,872—For Padrone Turquon's Bark and Cargoe.

95,661—For Captain Leoncés Ship and Cargoe.

224,875—*French Livres*, which by the Grand Duke's Sentence had been reduced to Forty seven thousand Dollars, which being Calculated at a Dollar for a *French Crown*, amounted only to One hundred forty one thousand *French Livres*, being only two third parts of their Pretensions, two thirds, 141,000

So calculating the Sum which they were ordered and willing to abate for Leoncés Ship and Cargoe, in two thirds of their Demand at Florence upon that Article— *Livres.* 63374

For the Bark of John Turquon, by him ransom'd, they were willing to allow ————— 3000

For Money which the Grand Duke order'd to be paid out of the Effects deposited for defraying Mr. D'Arvieux's Charges, they allow'd ————— 2400

To compleat the Sentence, in the greatest rigour of their Pretensions, they could only now demand ————— 72226

Import of the Duke's Sentence in *French Livres* ————— 141000

John Crookshanks having gone for France to ask Favour of an exasperated Enemy, and having thrown himself into the Hands of the Party for an Accommodation, he could not with Prudence and Modesty contest their Accounts and Calculations, though visibly erroneous, as is fully explain'd in the Appendix, Numb. 19.

The Article of 72,226 Livres, which the French pretended for completing the Duke's Sentence, was about Twenty four thousand French Crowns, for which they agreed with John Crookshanks, to accept Ten thousand French Crowns, and to grant a free and ample Discharge to William Plowman, Provided, His Christian Majesty would condescend to approve their Management, and ratifie their Agreement.

By mutual consent, the Chamber, and John Crookshanks, did separately supplicate Monsieur De Pontchartrain to report the Case in Council, for obtaining the King's Orders and Ratification.

During the Negotiation in France, John Crookshanks took the Liberty to send to the Great Duke Copies of his Memorial, and Letters to Monsieur De Pontchartrain, and from time to time acquainted his Serene Highness's Ministers, with the Progress in this Affair. Agreement made in France.

Hoping by these Methods to have moved the Grand Duke to use his Interest at the French Court, for concluding a dependance wherein his Honour was so conspicuously engag'd, Appendix, Numb. 20.

Instead of receiving Assistance in this Enterprize, encourag'd and favour'd in the beginning by the Court of Florence; John Crookshanks was not only abandon'd in France, but by the Grand Duke's Memorial to the King of England: The undertaking was mis-represented, his Highness

alleged it for a certain Evidence of *William Plowman's* guilt, and thought hereby to have excluded him from *His Majesty's* Protection.

From the demur that happen'd in the Confirmation of the Agreement made at *Marseille*, may be probably conjectur'd that the Grand Duke and his Ministers have influenc'd the *French*, discerning that a Conclusion on the Terms agreed upon in *France*, would leave his Serene Highness in the Eyes of the World, convicted of Injustice and Partiality; his Sentence being arbitrarily pronounc'd, without the requisite Knowledge and Considerations in the matter of Fact, and in the merit of the Cause.

Private Practices from Italy, to hinder the Agreement in France.

For in the time that the Chamber of Commerce as certainly expected, as *John Crookshanks* anxiously waited the Ratification from the Court of *Versailles*; Monsieur *De Pontchartrain*, upon receipt of Letters from the *French* Consul at *Livorno*, delayed his Answer to the Chamber upwards of a Month.

By whose Instigation the *French* Consul *M. Gibercourt*, presum'd to intermeddle in this Affair, was not publickly known; but the disappointment in the Conclusion thereof in *France*, was by many Persons there attributed to the malicious Informations which he gave to the Secretary of State.

The import of his Informations may be discover'd by the Contents of his Letters to the Chamber, and particular Men concern'd upon the same Subject, and at the same time.

For he acquainted them, that *Plowman* was in a capacity to pay the whole Sentence, and that the Commerce might certainly touch the Money in *Souffine's* Hands, which was a Sum much exceeding the offer made by *Crookshanks* at *Marseille*.

All Men were confirm'd in their opinion about the Consul, and many entertain'd a jealousy of the Court of *Florence*, when they saw that the Minister of State was prevailed on to reject the Agreement, and to refer the final Adjustment thereof to the *French* Consul, concluding it would be so obscurely managed in *Italy*, as their designs and contrivances might be render'd impenetrable, *Appendix, Numb. 26.*

From what had occur'd, by clear consequence might be concluded, that the Great Duke was now to be consulted, pleased, and his Reputation covered in the conclusion of this Affair; and without his consent, no conveniency to be allow'd the Prisoner, nor any relief to be afforded to the oppressed House.

Whereupon *John Crookshanks* left *France*, and in returning thanks to Monsieur *De Pontchartrain*, with earnestness supplicated him to give Orders for a dispatch suitable to the exigence of the Case, in such manner as his Prudence should judge convenient.

Upon return to *Florence*, *John Crookshanks* complained of his disappointment; yet the Duke's Ministers advised him to continue his endeavours for an amicable adjustment with the *French* Consul, by the mediation of a third Person, judging it would be hard for him to treat with the Consul, and to conceal his Resentment.

Considering, and having fresh in remembrance the former disappointment, *John Crookshanks* declined the Propositions of the Great Duke's Ministers, being convinced they would not put him upon any Enterprize which would tend to the relief of the House and Prisoner, or redound to his own Reputation.

Upon

Upon this, in a few days Mr. *Gibercourt* the *French* Consul went to the Dungeon, and there told *William Plowman* he had received Orders from Monsieur *De Pontchartrain* for his Liberty, provided, for procuring the same, he would on his part do what was reasonable.

Which in the Consul's Opinion, was to abandon all the Money in the Hands of M. *Souffine*, and to give him a Gratification for a Person of Quality, who had influenc'd the Minister of State; and this was by this rash Man boldly declared in a Letter sent to the Prisoner, copyed in the *Appendix*, Numb. 22.

William Plowman being desirous of Liberty at any rate, thought it convenient to caress the Consul, in hopes of prevailing with him for a reasonable Accommodation.

But whether this Consul was sway'd by his proper and insatiable Avarice, or by the persecuting Inclinations of others at *Florence*; no mitigation could be obtained from him, or the *Grand Duke's* Ministers.

On the contrary, The Consul was by them encouraged and assisted in concealing the ultimate and compassionate Orders of M. *De Pontchartrain*, for granting *William Plowman* a free Discharge, upon the Receipt of Ten thousand *French* Crowns, or their just value, as has been since declared by those privy to the Consul's Affairs, and this whole Transaction.

While *William Plowman* remain'd under Bolts, and the House under great unsupportable Hardships, and for augmentation of Grief durst not openly complain: The King was graciously pleased to write a Letter in very pressing Terms to the *Grand Duke*, which yet had not force enough to influence his Highness to compassion towards these unfortunate Men, nor to a true Consideration of the Justice and Authority of His Majesty's Royal Demands for their Relief; for the Duke persisted in excuses, and his Ministers in contrivances for delays, by the Answer and Memorial sent for *England*, *Appendix*, Numb. 21.

Within a little time thereafter, Admiral *Aylemore* arrived with His Majesty's Fleet before the Port of *Livorno*; and though he had no positive Instructions about *William Plowman*, yet upon Information of the Case, he dispatch'd an Express to the *English* Envoy at *Florence*, to know the Duke's Motives, for detaining a Subject of *England* in a Dungeon, after the King had been graciously pleased, by repeated and pressing Letters to demand his Liberty, with restitution of his Effects and reparation of Damages.

This being by Sir *Lambert Blackwell* imparted to the *Great Duke*, a Council was called, the result whereof was; they could not enter into any Treaty with the Admiral, unless he had a special Commission from His Majesty for that effect.

However in Terms of a political Civility, they gave a Copy of the *Great Duke's* Memorial, and last Answer to the King, to be transmitted for the Admiral's perusal, in hopes he would not further move in the Case, which seemed to depend on his Majesty's Reply and Royal decision.

The King's Answer did not come while his Fleet was at *Livorno*, else the Prisoner and the House had not been deprived of the Relief, expected from an Admiral so heartily disposed to vindicate His Majesty's Honour, and to assert his Subjects Right.

Upon

Upon receipt of the Great Duke's Memorial and Letter, the *King* was graciously pleased to direct the Examination of the Case according to Law, to their Excellencies the Lords Justices.

Their Lordships without loss of time referred it to Sir *Charles Hedges*, Judge in his *Majesty's* High Court of Admiralty.

By a speedy Report to their Excellencies, Sir *Charles Hedges* did show, That by the Proceedings of Court at *Florence*, the *King's* Authority had been Circumscribed, the Privileges of his Subjects infringed, and that the Laws would vindicate his *Majesty* in demanding Reparation.

The *King's*
Relentment.
The Lords
Justices Ap-
plication.
Sir *Charles*
Hedges Legal
Report.
Appendix,
Numb. 23.

Their Excellencies commanded a Copy of this Report to be sent forthwith to Sir *Lambert Blackwell*, his *Majesty's* Envoy Extraordinary at the Court of *Florence*, to be by him communicated to the Great Duke, for obtaining his Highness's positive and ultimate Answer.

This Report being imparted by Sir *Lambert Blackwell* to the Great Duke, his Council and Judges finding no plausible Reply thereto, discerning that the *King* did now upon just and legal Motives resent their disrespectful Delays and frivolous Allegations for denying of Justice, they seemed much perplexed.

While they suffered the first impulses of the apprehensions which seized them at the perusal of Sir *Charles Hedges's* Report, they concluded, That it was not safe for them any longer to entertain the thoughts of imposing on the *King*, whom they knew to be a Brave, Wise, and Potent Prince, valuing his Honour, cherishing his Subjects, and taking pleasure in Actions of Justice for Relief of the Oppressed; and they now concluded, That his *Majesty* would never condescend to let them accomplish their designs, tending so manifestly to the overthrow of the Trade, and Privileges of the *English* Merchants.

Frightens the
Duke.

These Considerations induced the Court of *Florence* to change precipitantly their Sentiments, which a little before were for maintaining the *Grand Duke's* Sentence and Resolution to the last extremity, imagining they could not recede therefrom, without disparagement to his Sovereign Prerogative in the eyes of the World.

Alarms *Qua-*
ratefi.

The Treasurer, Senior *Quaratesi*, began now to consider, that for his private Interest and Revenge, he had involved his Master into a Labyrinth, out of which he could never be brought with Honour and Applause; that his ill Advice and Management exposed him to the Accusation of the Council, and to the Chastisement of the *Great Duke*.

In these perplexing Circumstances, this Treasurer made use of a Stratagem, in matter and effect more injurious to his Highness's Honour, than any that had been heretofore contrived: Being thus;

Alexander Luigi Catelani, a notorious Pettyfogger, and one of the Lewdest Men in *Italy*, consequently the more qualified for any sordid design, was by the Treasurer employed and empower'd to agree with the *French* Consul upon any terms, provided he could compass the matter expeditiously.

When Sir *Lambert Blackwell* ask'd the Treasurer, Why *Catelani* had been employed and had appear'd so publickly in this Affair? Answer was made, That he was used as a Lemon was for Sawce; and in a Letter to another Person, when the Treasurer thought fit to expose the Qualities of this *Catelani*, the foregoing Character given of him is confirmed.

Appendix, Numb. 24.

In pursuance of the Treasurer, Senior *Quaratesi's* directions, *Catelani* having used his utmost efforts, came up with the *French* Consul to *Flo-*
rence,

rence, attended by one *John Franciso Adami*, the under Register in the Tribunal of *Livorno*, who from thence brought all the Acts, relating to the Sequesters and Attachments laid on the Mony, and effects in the Hands of Mr. *Souffine*, which by *Catalani's* Agreement were to be delivered up to the *French* Consul, upon his releasing of the Prisoner.

The Judges at *Florence* found a difficulty in surrendring these effects to the *French* without a legal Tryal, according to the import of the Letter written by the Abbot *Gondi* Secretary of State, to the *French* Envoy; when these Effects were by the Great Duke's Orders put into the Hands of *Souffine*, Agent for the Chamber of Commerce of *Marseille*.

Catelani and *Adami* found a Salvo for this defect, by alledging the Rules in the Tribunal of *Livorno*, oblig'd every Person who sequester'd to prove their Claim in a prefix'd time, which in this Case had been long since elapsed, in such manner, that they who would oppose the surrender of the Effects might be formally and legally evinced.

These pretenders to Law, did not declare that the Parties sequestering had frequently made Application to the Auditor of *Livorno*, for a discussion and issue of the Cause, which he had always waved for want of positive Orders and Instructions from his Superiours.

And the Judges had not in view the Conditions whereon the Goods were deposited by the House; the just Title which *Messieurs Vernons* had to their effects taken in Specie, and the Letters which the King of *England* had been graciously pleased in favour of his Subjects to write to the Grand Duke on this Score.

So the fine Expedient found by *Catalani* and *Adami*, past for legal and valuable; and they were sent several times to confer with the *French* Consul and *William Plowman* in the Dungeon, for procuring the Prisoner's Concurrence and Ratification of their Transactions.

When the Prisoner made any resistance, or declaration of his dependence on *His Majesty's* Protection, they did not hesitate in telling him, the Grand Duke wanted not means to render his Hopes as ineffectual for the future, as they had been vain for the time past.

The Prisoner being intimidated by these and other concurring discouragements, yielded to their Demands, and signed an Agreement with the *French* Consul, for surrendring to him the Effects and Money in Hands of *Souffine*, therewith to pay according to the current exchange for *Lions*, the Sum of Forty thousand *French* Livres immediately

In forcing the Prisoner to sign an Agreement to render the Effects to the *French*.

And to furnish Bills of Exchange payable in *Livorno* or *Lions* at option of the Consul

Livres.
40 000

20 000

Agreement extorted in Prison for the payment of Sixty }
Thousand *French* Livres. ————— } —60,000

This Contract is raised upon the concurrence of so many illegal and unwarrantable Contrivances, as there are Sentences in it; and the Consul is no less condemnable for the methods taken to the disparagement of his Master and Country, than for the surprizing Injuries done the Prisoner, and those concern'd in the Effects, as by the Copy of the Agreement transcribed into *English* in the Appendix, Numb. 25.

It is humbly conceiv'd, the Grand Duke cannot bring any reasonable excuse for his countenancing or conniving at these Transactions, accomplish'd in one of the darkest Dungeons of the Prisons, to the surprizal of *William Plowman*, and to the exclusion of the House. *Messieurs Vernons* and the *Widow Phenix* from their just as well as incontestable Rights.

And the Great Duke's Ministers will appear (with submission) much more blameable, when it is set forth, how *Catelani* was assisted by one Seignior *Zagri*, (a Doctor in Law, noted for free access to his Highness) in drawing up the Writings in Prison, requir'd by the *French Consul* for the authentication and performance of the Agreement.

The which Writings being sign'd by *William Plowman*, they were put into the Hands of *Adami* to be by him kept, until the Money at *Livorno* should be put in possession of the *French Consul*, and all things there perfected.

This being done, the Consul and *Italians* taking leave of the Prisoner, went to the Duke's Palace, to acquaint his Highness with what had pass'd, and there the Consul in name of the *French King* gave the following Release translated from the *French* in this Form.

The French
Consul's Dis-
charge.

We Counsellor of the King, Consul of the Seas of Tuscany, &c. deputed by his Majesty, for treating with William Plowman, to procure his Liberty; declare that his Majesty having been pleased to forget all, and whatever had passed in the time of War, betwixt the said Plowman and his Subjects, consents in the Name of His Majesty, so far as concerns the Commerce and others concern'd; That the said Plowman be released, and put out of the Prison of this City, always when it shall please his Serene Highness to Will the commanding thereof, done in Florence the 6th of October. 1699. Signed,

GIBRECOURT.

The Copy of this Release was deliver'd to the Prisoner by *Catelani*, written with his own Hand, concerning which Matter, and the intricacy of this Release, both in regard of the *French King*, and Grand Duke, reference is humbly craved to the — *Appendix, Numb 26.*

The Great
Duke lends
his Authority
for the exe-
cution of this
Agreement.

Upon delivery of the Release to the Grand Duke, Orders were given by his Secretary of State to the Governor of *Livorno*, for assisting the *French Consul*, in the recovery of the Money and Effects from *M. Souffine*, without loss of Time, or Form of Justice.

The Governor of *Livorno* was directed to discharge *M. Souffine* from his Obligation, in as ample Form, as if the Case had been *juridically* decided, in the ordinary course of Justice, with all the other Conditions mention'd in the foresaid Letter; written by Abbot *Gondy*, Secretary of State, directed to the *French Envoy*, and communicated to *William Plowman*, Fol. 21.

These Dispatches being given to the Consul, *Catelani* and *Adami*, upon the 8th of *October* in the Evening, at shutting of the Gates of *Florence*, they took post for *Livorno*, there to perfect their Contrivances.

When these Men were gone from *Florence*, and the Gates of the City shut, the Great Duke's Ministers thought it necessary to consult some methods for perswading the World, that this day the 8th of *October*, *William Plowman* had been set at Liberty.

In order hereunto, Seignior Auditor *Angeli* order'd his Gaol-keeper to Register on the Books of the Prison, *William Plowman's* Discharge under that Date; withal, to exact from the Prisoner a promise upon Honour to remain in custody, till News should come of Affairs being accomplish'd at *Livorno*.

Withal, the Prisoner was directed to tell any Person of his Acquaintance, who might see him under Confinement, that he was at liberty to go out, but could not yet appear in publick for want of Cloaths.

Next day early in the Morning, Seignior *Montemagni* one of the Great Duke's Secretary's of State, acquainted Sir *Lambert Blackwell*, that his Serene Highness rejoiced in having found a conjuncture to gratifie the King of England, by setting *William Plowman* at Liberty, and restoring his effects; this Secretary's Letter is translated in the *Appendix, Numb. 27.*

Sir

Sir *Lambert Blackwel* enquired for the Prisoner at Seignior *Montemagni*, and told him, this being the Post-day for *England*, he could not write that *William Plowman* was at Liberty before he saw his Person, which he knew was still in Prison, for several Persons had gone and seen him there this Morning.

This being reported by Secretary *Montemagni* to his Highness, methods were consulted for saving his Reputation with the King of *England*, the Great Duke being resolved to pass a Compliment to His Majesty that Night. To the King a Compliment is contrived.

Judging by this time that all things were finish'd at *Livorno*, Seignior Auditor *Angeli* went to Prison, brought *William Plowman* out, and sent him in a Coach to Sir *Lambert Blackwell's* House, where he arrived at Nine of the Clock in the Evening, just upon departure of the Letters for *England*. Before William Plowman was set at Liberty.

So soon as *William Plowman* in the Envoy's House was secured under the Protection of the King, he deliver'd into the Hands of Sir *Lambert Blackwell*, a private Protest against the Transaction in Prison, with several other Papers, shewing at what rate he had been forc'd and constrain'd to submit to the Demands of his Persecutors, and not daring to trust any Person in *Italy* with such Instruments open; he seal'd them up in presence of Witnesses, desiring the Envoy to forward them to the Right Honourable Secretary of State at *White-hall*, Copies whereof are transcribed in the *Appendix*, Numb. 28. William Plowman protests against all Proceedings.

Next day *Adami*, the Under-Register in the Tribunal of *Livorno*, came from thence by Post, to acquaint the Court with an Embroil, which had happen'd between the *French* Consul, in division of their private Spoil, and upon wording the Consul's Receipt for the Effect.

The Consul in the Receipt would have inserted a Clause to the exclusion of *William Plowman* from any further pretence upon the Coffee sequestred at *Marseilles*.

As this Article had not been discuss'd, nor so much as mention'd in Prison, these *Italians* durst not meddle therein, without Instructions from the Court of *Florence*.

This *Adami* gave likewise an account of a demur, which the Widow *Phenix* made in giving the Discharge, and Receipt stipulated in Prison, without her Privacy and Consent, and of the *French* Consul's desire upon these Incidents, to have *William Plowman's* Liberty suspended, until matters should be settled to Satisfaction.

Upon Information of *Adami's* Arrival too late at *Florence*, to prevent the enlargement of *William Plowman*; M. *Gibre-court* went thither by Post, made his Application to the *French* Envoy, and both of them went to the Grand Duke to require Satisfaction.

His Highness produced M. *Gibre-court's* Receipt, which appeas'd the Envoy, but exasperated the Consul, who being of a furious Temper, exclaim'd against the surprisal, declared that he had put this Release into the Hands of the Great Duke conditionally.

Upon this occasion the Treasurer Seignior *Quaratesi*, and others of the Great Duke's Ministers were employed to pacifie the *French* Consul, with promises of procuring his private Spoil and Satisfaction on all Points, and a partner in the House of Seig. *Gnadagni* solicited *W. Plowman's* Concurrence.

If this present Narrative were not strongly supported with clear and incontestable Evidences of Truth in the matter of Fact, the proceedings of the Court of *Florence* might seem as incredible, as they are unaccountable, in the surprisal of the Prisoner, in the oppression of the House, and in the surrender of the effects deposited, without any legal decision, to the Exclusion and Damage of the true and lawful Proprietors. The

The Grand Duke's Ministers were sensible that the Sentence was invalid, to repair the defect, they modell'd a Petition deliver'd in Writing, by Dr. Zagri to the Prisoner, which in the Dungeon he was forc'd to sign, but instead of gaining their Intent, it is humbly conceiv'd, that they have expos'd their Master's Honour and their own Management, and render'd the whole proceeding inexcusable, as is evident by the Petition translated thus from the *Italian*.

Most Serene Grand Duke,

With infinite Regret and Grief, William Plowman an English Trader in Livorno, The most humble suppliant of your Royal Highness, confesses to have committed a most grievous Error, in having with the Ship Philip and Mary armed at Livorno, besides the two French Ships, called the Sancta Barbara, and Virgin's Hope, taken and made Prize of the Bark of Padrone Turquon, notwithstanding the Promise made to your Royal Highness, that with the said Ship he would not molest any Ships of the French Nation.

With the present Confession, accompany'd with infinite Sorrow and Repentance, he exhibits himself ready to confirm the same in future, by the most distinguishing Actions of Observance and Obedience to the Royal Commands of your Highness, if he be made worthy thereof.

In this Sentiment finding himself freed from Prison, he presumes to supplicate the infinite Clemency of your Royal Highness, that having forgotten the Errors by him committed, you would grant him a Royal Pardon, and re-establish him in Favour, which is all he desires; That he may pass the Remainder of his Life in your most happy State, which is purely the Gift of your Royal Highness,

And your Petitioner shall ever pray, Appendix, Numb. 29.

From the time of William Plowman's departure, until his enlargement from Prison, many contrivances were practis'd by the Court of Florence, to the prejudice of the Complainants, which for reasons, and out of respect to the dignity of the Grand Duke are at present concealed.

And the Complainants do humbly, and with great Submission conceive, that by the Premises, does sufficiently appear by undenyable Proofs in the matter of Fact clearly Established,

First, That the Laws of Nations are violated to the prejudice of England.

Secondly, That the King's Authority is circumscribed.

Thirdly, That his Royal Prerogative is manifestly attack'd by the Sentence, in granting Reprisals on his Interest in the Prizes, for Satisfaction to the French.

Fourthly, That the Priviledges of his Subjects are not only infringed, but trampled under Foot, by the violent seizure and disposal of those Effects to the French, which belonged to the House, and other Subjects of His Majesty, no ways lyable to the Pretensions of the Great Duke.

Fifthly, That the Seizure of William Plowman at Rome was upon an unwarrantable Pretence, and the surrender of his Person illegal.

Sixthly, That the Sentence is arbitrarily pronounced without knowledge of the Cause, in condemning William Plowman to the restitution of three Prizes, for which he is not lyable in the rigour of the Great Duke's Pretensions, considering the Santa Barbara was not taken by the Philip and Mary, but by the Peace Sloop. The Virgin's Hope gave the first attack under French Colours and Passport, but belong'd not to that Nation. The Madona of good Encounter, a Bark, surrender'd by Election to the English, the Dutch pretending half in the Prize.

Seventhly, That by 32 Months Imprisonment of William Plowman, without respect to the Intercession of the King of England, many of his Trading Subjects have been injured, the Complainants in particular having suffer'd the following Damages.

With all Respect and Humility the Complainants leave this their Cause, and the merit thereof to his Majesty's Decision, supplicating such Orders for their Redress as in his Royal Wisdom may seem most suitable to the Justice and Exigence of the Case which most submissively they crave permission to subscribe, London, 1st February, 1701.

Alexander Rigby.

William Shephard.

William Plowman.

i

Account of the DAMAGES

which the COMPLAINANTS have Suffer'd
by the Proceedings of the Grand Duke of
TOSCANY, and the Oppression of His
Serene Highness's Ministers.

Imprimis, **T**HE 49 Bales of Goods
that were deposited in the Hands of
Seignior *Francisco Teriesi*, the Grand Duke's
Providitor-General, upon express Condition of
William Plowman's Liberty, to the Complai-
nants great Detriment in their Reputation
and Affairs, arbitrarily sold at publick Out-
cry, and put into the Hands of the *French* ;
which Goods imported *per* the Factory in
Appendix, N^o. 12. ————— Doll. 8263. 5. 6.

Item, Two Bills of Exchange drawn on
Seignior *Pomer* of *Venice*, by him accepted,
for account of *William Plowman*, by him en-
dorsed to *John Burrows* Esq; *His Majesty's*
Consul at *Livorno*, from whom the Bills were
taken by one of the Grand Duke's Ministers,
and were for the Sum of ————— 6600. —.—

Item, Effects at *Naples* from Messieurs *Tho-*
rold, *English* Merchants there, were by the
Grand Duke's Agents, taken sundry Sums of
Money belonging to the Complainants, as like-
wise Goods ; amongst which were 68 Bales of
Jerusalem-Filadoes, and 23 Bales of Linnen
belonging to Messieurs *Vernon*, *English* Mer-
chants at *Aleppo* : The Proceeds whereof, to-
gether with the other Effects, were Trans-
mitted to Seignior *Teriesi* at *Livorno*, who, by
the Grand Duke's Orders, put them into the
hands of the *French* ; which Effects, by Fa-
ctory, in *Appendix*, N^o. 8. amount to ————— 20000. —.—

Item, Coffee 31 Bales, Consigned by *Esque-*
nasi, a Jew in *Alexandria*, for account of *Wil-*
liam Plowman, to *Victor de St. Amand*, a Mer-
chant in *Marseilles* ; where, upon sinister In-
formations, the *French* seiz'd, and at first in-
stance obtain'd Sentence against *William Plow-*

Transported ————— Doll. 34863. 5. 6.

Account of Damages.

Brought over ——— Doll. 34863. 5. 6

man by Contumacy. Upon this Consideration an Appeal to the *French* King and Council was admitted, and four Months time allow'd for the Vindication of *William Plowman's* Right; which, by reason of his Imprisonment, and the Grand Duke's Accusations, no Person in *France* durst attempt. This Parcel of Coffee produced the Sum of ———

17000.—.—

Item, Patron *Turquon's* Obligation

for the Sum of Doll. 4000, payable in *Alexandria*, for the Ransom of his Bark, and the Goods released to him; for which *William Plowman* accounts with the Concerned; which Obligation, as well as the Bark and Goods, were by the *French* seiz'd at *Alexandria* upon the same Considerations of the Coffee, without any respect to the Rules of Honour, observ'd by all Nations in War———

4000.—.—

Item, Bills of Exchange, which after all these unsupportable Grievances, and before the Grand Duke would consent to the Liberty of *William Plowman*; he was in Prison constrain'd to give Mr. *Gibertourt*, the *French* Consul, to the Value of———

3200.—.—

The Grand Duke, and by his Means, the *French* have Extorted from the Complainants in *Effects* and *Money liquid*—— Doll. 59863. 5. 6

Item, The *John* Galley and her

Prize, whereof the Complainants and their Correspondents in *London* have been spoiled, Importing per *Appendix*, N^o. 16.—— Doll. 30000——

Item, The *Winchester* Galley,

and the Charges of the Law-Suit, whereof the Complainants and their Friends have been spoil'd, *Appendix*, N^o. 17.——— 10000——

Item, The Ship *Charles*, Captain

Pickering, who durst not Careen and Refit this Ship at *Livorno*, but put to Sea in a disabled Condition, and lost her Coast of *Barbary*, *Appendix*, N^o. .——— 12458.13.2

Damages by Oppression———

52458.13. 2

Transported ———

Doll. 112321.18. 8

Brought over ——— Doll.

Item, Debts at Livorno. The House at *Livorno* being by the continued Oppression of the Grand Duke and his Ministers brought under an incapacity to prosecute their Affairs, or recover their Rights by a legal Course of Justice, has been necessitated to leave in the hands of his Serene Highness's Subjects, and other Merchants residing at *Livorno*, very considerable Sums, which the Great Duke by his Sovereign Authority may recover with Interest: The Prosecution whereof now would cost the Complainants an Estate; therefore, with all submission, this Article is left to his Majesty's decision ———

Item, Debts in the Levant and Mediterranean Ports, by the same Reasons: The House has been kept out of, and necessitated to leave in the hands of Persons residing in *Barbary, Egypt, Aleppo, Cyprus, Smyrna, Sicily, Naples,* and other Ports in *Italy*, sundry Sums; for which, as also for the preceding Article, it being humbly conceiv'd, that the Grand Duke is liable for the same; the Complainants are willing and ready to Transfer in his Favour their Rights, with sufficient Vouchers to these Debts, if His Majesty in his Great Wisdom shall see fit so to Ordain ———

Item, Shares in Ships. By reason of the Grand Duke's Proceedings and Oppression, the Complainants have been disabled from managing, improving, or disposing of their Shares in Ships; wherein they engag'd with design and assurance of their Employment in the Trade to *Livorno*, which the other Owners have since diverted; and by Formalities observ'd amongst Traders, the Complainants have been excluded, to their great Loss and Disparagement: Which is humbly left to His Majesty's decision ———

Item, Loss of Business to the House, by the Interruption of their Trade and Correspondency; which if it were calculated by Progression, proportionably to the yearly Increase of their Profits, would amount to a vast Sum; and tho' Equity seems in some measure to authorize the Demand thereof, it being certain that the concluding Years of successful Factors doth much surmount the Profits in the beginning and middle of their Establishment: Yet, for bringing the Matter into a narrow Compass, by a reasonable Computation, the Medium of what

Transported ——— Doll.

Account of Damages.

———— Brought over ——— Doll.

they gained appears to be an equitable proportion: For by their Books of Accounts is evident, that in Five years time they gained 81945 Doll. 5 s. 8 d. which is yearly 16389. 1. 1. and at this rate, Calculating from the latter end of *January* 169⁶, when *William Plowman* was seiz'd, and the House fell under Oppression, to the end of *January* 170⁰, being Four years, is —————

65556. 4. 4.

Which Article is humbly left to *His Majesty's* decision, both for the Time past, and to come, until a just Reparation be obtain'd.

Item, William Plowman's Loss of Business.

He had by his Share of the Profits in the Co-partnership, augmented his Stock; which, after the Accomplishment of his Expedition, he design'd to bring for *England*, had he not been prevented by a violent surprizal; he might have improved his Concerns to great Increase in his Native Country; the Interest on the Principal would have been an easy and comfortable Income yearly, and have fixed him in reputable Circumstances; for the just Reparation of which Loss, he humbly submits to the Decision which by *His Majesty*, or his Gracious Orders, shall be made.—

Item, Sir Alex. Rigby's Loss of Business.

By the sudden and unaccountable Overthrow of the House at *Livorno*, he has not only been deprived of a beneficial Circulation of Affairs between them, by which he gain'd constant Commissions, but has been disabled in his proper Affairs, and deprived of those Advantages which Men in equal Circumstances have reaped; and by the Ruin of the House has been involv'd into many expensive and perplexing Troubles, which cannot be express'd in Words suitable to the sense of his Sufferings and grievous Disparagement; for Reparation of his Loss on this account, he depends entirely on *His Majesty's* Gracious Decision or Commands for the same, in such manner as to His Royal Wisdom shall seem fit —————

Item, William Plowman's Imprisonment

for 32 Months in a Dungeon; wherein he remained under Bolts barred from the Air. This Case is not only aggravated by the Indignities and Violence in his Seizure at *Rome*, and Conveyance from thence to *Florence*, and by other unwarrantable Practices used against him, contrary to the Rights of an *English* Sub-

Transported ————— Doll.

Account of Damages.

v

Brought over ——— Doll.

ject, and the Laws of Nations, but in a notorious manner render'd insupportable by the Grand Duke's denial of Justice, after the Receipt of Five Letters, which *the King of England* condescended for the Relief and Liberty of his Subject, to send unto his Serene Highness, and his Pretence in discharging the Prisoner, and in restoring him Effects, which before his Enlargement were arbitrarily given to the *French Consul*. All which consider'd, it's humbly conceiv'd, and firmly hoped, that *His Majesty* will grant his Royal Decision on this Article ———

Item, Loss of Reputation. This is in the most sensible manner grievous to the Complainants, and was sufficient to crush the most substantial and best-establish'd Traders, and carries along with it all the bad Consequences that Merchants can apprehend from an Interruption of their Commerce, by rendering them incapable to Command their own Effects, or to secure their Friend's Interest; and is so irreparable, that the Value thereof can only be determin'd by Appointment of *His Majesty*, who being the Fountain, Pattern, and Protector of Honour, does in a Sovereign degree know the Worth thereof; and that Men in reputable Circumstances would at the Expence of their Estates rescue their Credit; and for preserving the same, willingly expose their Lives. ———

Item, The great Costs and Expences which the Complainants have been at since the Seizure of *William Plowman*, in seeking for Justice at *Rome*, Compassion at *Florence*, and Accommodation in *France*, which occasioned many expensive Journeys and Voyages, and incident Charges, importing until his Freedom. ———

To which is to be added the further Costs and Expences, until Reparation be obtain'd. ———

S. E. Sum of the Damages ----- Doll.

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A P P E N D I X.

N^o. 1. _____ Relating to — Folio 2. Numb. 1.

Account of C L O T H Exported and Sold,
As by the Books of Accounts appears, viz.

Leiger, Folio	26	Bales—	496	Pieces—	2594	Import.	Doll.	174199:5:11
	28	_____	6	_____	30	_____	_____	1731:—
	57	_____	10	_____	50	_____	_____	3470:2:—
	57	_____	10	_____	50	_____	_____	3285:—
	57	_____	10	_____	50	_____	_____	3000:—
	87	_____	4	_____	21	_____	_____	2122:15:—
	93	_____	150	_____	750	_____	_____	45473:4:—
	103	_____	170	_____	881½	_____	_____	57767:2:5
	313	_____	56	_____	326	_____	_____	29277:12:2
	330	_____	32	_____	158	_____	_____	11707:—:9

Cloth Exported—Bales 944 Pieces 4910 Val. in Doll. 332033:2:3

Account of *Exeter* S E R G E S Exported and Sold,
As by the Books of Accounts appears, viz.

Leiger, Folio	183	Bales—	23	Pieces—	710	Importing	Doll.	9012:—
	183	_____	18	_____	555	_____	_____	5918:5:—
	330	_____	10	_____	319	_____	_____	3488:—
	368	_____	3	_____	105	_____	_____	1124:2:6

Serges Exported—Bales—54 Pieces—1689. Value in Doll. 19542:7:6

Account of White and Black S A Y E S Exported and Sold,
As by their Books of Accounts appears, viz.

Leiger, Folio	136	Bales—	4	Pieces—	112	Importing	Doll.	1762:5:—
	331	_____	2	_____	60	_____	_____	785:14:3

Sayes Exported—Bales—6 Pieces—172. Value in Doll. 2547:19:3

Account of Scarlet S E R G E S Exported and Sold,
As by the Books of Accounts appears, viz.

Leiger, Folio	116	Bales—	2	Pieces—	74	Importing	Doll.	1184:—
	330	_____	13	_____	334	_____	_____	5383:11:7

Scarlets Exported—Bales 15 Pieces—408 Value in Doll. 6567:11:7

APPENDIX.

Numb. 1.

Account of SALMON Exported and Sold,
As appears by their Books of Accounts, viz.

Leiger, Folio 116	Barrels—645	Importing in—	Doll. 14369: 2:9
238	—565	—	11308:12:9
304	—80	—	868:12:1
368	—658	—	14189:18:3

Salmon Exported, Barrels—1948. Value in—Dollars 40736: 5:10

Account of RED-HERRINGS Exported and Sold,
As by their Books of Accounts appears, viz.

Leiger, Folio 238	Barrels—406	Importing.—	Doll. 4275.—
366	—1174	—	8802:4:10
366	—700	—	5450:—

Herrings Exported, Barrels—2280. Value in—Doll. 18527:4:10

Account of PILCHARDS Exported and Sold.
As by their Books of Accounts appear, viz.

Leiger, Folio 230 Hogsheds—116. Importing in—Doll. 3612:15:3

Account of Newfoundland - Fish Sold,
As by their Books of Accounts appears, viz.

Leiger, Fol. 197	A Cargo weighing—552786l.	Import.	Doll. 25650:17:3
334	—277435	—	10731: 8:9
352	—428676	—	14189: 4:—

Poor Jack—fundry Cargoes, weighing 1238897l. Value Doll. 50571:10:—

Account of LEAD Exported and Sold,
As by their Books of Accounts appears, viz.

Leiger, Fol. 70	Pigs—100	Importing—	Doll. 612:14:6
97	—2572	—	22537:13:5
281	—1418	—	11701:—:7

Lead Exported.—Pigs—4090. Value —Doll. 34851: 8:6

A P P E N D I X.

31

Account of TIN Exported and Sold,
As by their Books of Accounts appears, viz.

Numb. I.

Leiger, Folio 98 Barrels--171. weighing 95378*l*. Import. Doll. 13078:1:11
310 ----- 100 ----- 56128 ----- 7643:15:5
Tin Exported, Barrels--271. weighing 151506*l*. Value Doll. 20721:17:4

General Account of preceding Articles of Woollen-
Manufactures, and other Goods of the Product
of England, Exported.

Cloth--Bales--944 Pieces -4910 Value Doll. 332033: 2:3
Serges-- 54 ----- 1689 ----- 19542: 7:6
Sayes-- 6 ----- 172 ----- 2547:19:3
Scarlets -- 15 ----- 408 ----- 6567:11:7

Woollen Goods -- Bales 1019. Pieces 7179. Value--Doll. 360691:--7

Salmon -- Barrels -- 1948 ----- 40736. --
Herrings -- Barrels -- 2280 ----- 18527: 4:10
Pilchards -- Hogsheds-- 116 ----- 3612:13: 3
Poor Jack-- Sundry Cargoes-- weighing 1258897*l*. 50571:10. --
Lead -- Pigs -- 4090 ----- 34851: 8: 6
Tin -- Barrels -- 271 weighing 151506*l*. 20721:17: 4

----- Total of the Exportation ----- Doll. 529712. --4

This Sum at Livorno, Dollars Five Hundred Twenty Nine
Thousand Seven Hundred and Twelve, and Four Deniers, Cal-
culated at Five Shillings for a Dollar, makes One Hundred Thir-
ty Two Thousand Four Hundred and Twenty Eight Pounds
Sterling.

Doll. 529712.--4 of Livorno, at 5*s*. for a Doll. is in London *l*. 132,428. *Sterl*.

Demonstration of the Advantage to the Nation, by the Exportation of
the abovemention'd Goods, and of the Damage which the Kingdom,
as well as the Complainants, suffer, when the Laws of Nations are vio-
lated by Foreign Princes, wherein the Grand Duke's Example may en-
courage others.

The

Numb. 1.

The foremention'd Goods are the proper Product of the Country,
consisting in

<i>Fish</i> , by Industry drawn from the Water—	} Val. Sterl.
<i>Minerals</i> , by Labour digged from the Bowels of the Earth—	
<i>Woollen Manufactures</i> , by Art and Pains improved—	
	<i>l.</i> 132,423

The <i>Spanish</i> Wool, Oyl, Dyers Ware employed in these Woollen-Manufactures, and the Foreign Charges to which these Goods are subject, amounts to—	} 23,242

Remains Gain to be divided— *l.* 108,186
between *the King* and his Subjects, to the Encrease of his Revenue,
Encouragement of Navigation, and Advance of Trade.

Upon the diligence of an *English* House at *Livorno*, as upon an Axis, turned the whole Machine of this Trade. By the Oppression which they have undergone, many of their Correspondents at home have been incommoded, and others totally ruined; and what has been extorted from them, is so much directly snatch'd from the Kingdom; for *English* Merchants do always return home with their Purchase, because they can't find any where, but in their Native Country, secure Privileges and true Liberty.

It may seem reasonable to conclude, That tho' the Complainants be disabled, this Trade will be diffused, and fall into other hands capable to manage it. But should these likewise fall under the Lash of Arbitrary Proceedings, and by malicious Contrivances abroad be crushed, the whole at last will be endangered, if not ruined. It's known, that the *French* have had large Encouragements, and used great Endeavours to bring their Woollen-Manufactures to perfection; and on this score the Grand Duke has been partial to them: For while they Landed their Woollen Goods free at *Livorno*, Transported them expeditiously to the approaching Fairs in the adjacent Places, the *English* Manufactures were carried to the Duke's *Lassareto*, there stayed Quaranteen to be purged, payed for that Two *per Cent.* on the Value, and the Merchant frequently lost his Market. Hereby the Nation has been damaged vastly since the Plague in *London*, which gave the first Occasion for this Charge; and Innovations are so dangerous, that until last year, the Grand Duke would never condescend to Ease the *English*, and to clear them of this Vexation; nor would he have done it, if the Attempts of the *Florentines* in making Cloth had proved successful.

N^o. 2. ————— Relating to ————— Folio 3. Numb. 2.

ABSTRACT of the Journal of the Complainants, Fol. 186, and 187. Wherein the following Goods are particularly mentioned, by what Ships they came, and for whose Account they were; viz.

Livorno, Novemb. 29. Anno Domini 1695.

Merchandise unsold, Dr. To Charges on Merchandise, Doll. 6883:14:9. which is paid, but not charged; the Accounts, Sales of the Goods not being rendered; so for clearing the Net-Profit from the First of January 1695, to this day, we repass the said Charges, and are as followeth: *Viz.*

Lead-Oar	671	Casks—Doll.	550.—.—
Curran	57	Casks—	360.—.—
Pot-Askes	140	Sacks—	420.—.—
Cloth	281	Bales—	676.—.—
Tobacco	26	Hogsheads—	90.15.—
Hats	1	Box—	—.—.—
Ginger	477	Bags—	302.14.2—
Seahorse-Teeth	1	Barrel—	10.—.—
Tanned Hides	800	Hides—	—.—.—
White Sayes	1	Pack—	9.—7.6
Wax	54	Bales—	333.—.—
Cotton Wool	245	Sacks—	1496.—5.—
Cotton-Tarn	70	Bales—	189.—.—
Goats-Wool	8	Bales—	78.15.—
Box-Wood	1153	Sticks—	100.—.—
Reggio Silk	3	Bales—	39.8.—1
Turky-Silk	72	Bales—	586.—.—
Merchandise	1	Cafe—	15.—.—
Starch	100	Barrels—	—.—.—
Coney-Wool	1	Butt—	—.—.—
Gauls	300	Sacks—	1187.10.—
Cordevants	10	Bales—	120.—.—
Turky Linnen	15	Bales—	162.—.—
Angora-Tarn	66	Bales—	—.—.—
Poor-Jack	471731	Pounds—	—.—.—
Capers	123	Hogsheads—	147.—.—
Sal-Armoniac	4	Cafes—	9.—.—
Prunelloes	1	Cafe—	2.—.—

Charges on these Goods, Doll. 6883:4:9

The preceding Goods being valued ————— Doll. 300000
 Numb. 2. By the Books of Accounts, ready to be produced, appears,
 that upon the 29th of November 1695, the Sum of ———
 The ————— Debtors, on the Ballance was ————— 712461
 Total ————— Doll. 1,012,461

Being in all a Million Twelve Thousand Four Hundred and Sixty One Dollars of *Livorno*, which the Grand Duke and his Ministers might have seized with as absolute Authority, and with as good a Title as they had to part of the Effects by them since extorted from the Complainers; upon whose Probity and Safety, at this time, under the Protection of *His Majesty*, depended the Interest of *English* Merchants in the above Sum; which, with great submission, shows to what a degree the whole Trade of this Nation may suffer by Injuries done to their Countrymen and Correspondents abroad, if the publick Faith and Laws of Nations be disregarded.

N^o. 3. ————— Relating to ————— Folio 3.

Account of Profits made by the House,
 As appears by their Books of Accounts, viz.

Leiger, Fol.	Anno 1692.	They cleared ———	Doll. 3544:16: 9
	1693.	They cleared ———	9847: 6: 7
	1694.	They cleared ———	16651:— 5
	1695.	They cleared ———	21902: 1:11
	1696.	And for 3 Months 1697, before they were interrupted by an insupportable Oppression, they cleared ———	30000.—

Their Profits in 5 Years time ————— Doll. 81,945: 5: 8

This Sum at *Livorno*, Eighty One Thousand Nine Hundred Forty Five Dollars, Five *Soldi*, and Eight *Deniers*, Calculated at Five Shillings *Sterl* per Dollar, is Twenty Thousand Four Hundred Eighty Six Pounds Six Shillings and Five Pence *Sterl*.

Doll. 81945:5:8 of *Livorno*, at 5s. for a Doll. is in *Lond.* l.20486:6:5 *Ster*.

OBSERVATIONS on this Article.

First, That while the House went on in the Management of their Affairs, without Disturbance and Oppression, by a yearly Progression they multiply'd their Stock.

Second That this fix'd their Reputation, and them in such prosperous Circumstances, as no person could have prognosticated their Overthrow from an ordinary Traverse of Fortune, much less from Oppression by the Court of *Florence*, upon pretence of a Promise, without shadow of Justice or Reason, extorted from *William Plowman*, without knowledge

ledge or consent of the House, (in the terms wherein it was alledged to be given) derogatory to the Honour of *the King*, and the Privileges of his Subjects. *Numb. 3.*

Third, That the last Year's Profits of Merchants and Factors are the most considerable, because by a natural consequence they augment the Number of their Correspondents, and increase their Gains.

Fourth, That the Preservation of Factories abroad has been found advantageous to the Trade of *England*.

N^o. 4. ————— Relating to ————— Folio 4.

Articles of Neutrality concluded at Livorno.

Translated from the Original in *Italian*; viz.

Livorno the 9th of *October* 1691.

AN Agreement made by me the under-written Governor of *Livorno*, with the Consuls of the Nations in War, for Observance of the Neutrality, and Surety of all in the Road and Port of *Livorno*, by the Three following Articles, *Approved by their Sovereigns*, and Signed by the underwritten Consuls, *in the Name and Behalf of their said Sovereigns*, and *in virtue of the full Authority by them granted*.

First, That in the Mold and Road of the Port of *Livorno*, no Hostility shall be used between the said Nations.

Second, That any Vessel armed in War, whether a King's Ship or Cruiser, being at Anchor in the Road, or Mold; and seeing the Light-house put out a sign of Ships approaching, shall not weigh Anchor to go against the Vessels coming in.

Third, That any Merchant Ships of the one or other Nation, that are at Anchor in the Mold or Road, and that design to depart before or after those that were at Anchor first, in case there should be there any Vessels arm'd in War, they cannot depart until 24 hours afterwards; and the same Rule is to be observ'd between Merchant-Ships.

I Marc Alessandro D. L. Borro, by command and in behalf of the most Serene Grand Duke my Master, as his Governor of *Livorno*, and as Surety for his S. H. respectively, in the present Treaty of Neutrality, oblige and promise that of his Guns, which I shall fire always, and speedily against those which under Command of the Place shall violate the Obligation in this present Agreement of Neutrality; and by such means His Highness shall cause the Insulter to render an exact Reason to the insulted. In witness whereof, I have signed at *Livorno* the 9th of *October* 1691.

S I G N E D,

Marc Alessandro D. L. Borro, Governor.

Francisco Cottolendi, Consul for His Christian Majesty.

Lambert Blackwell, Consul for His Britannick Majesty.

Don Andrea de Silva, Consul for His Catholick Majesty.

James Calickberner, Consul of *Holland*, &c.

O B S E R.

Numb. 4.

OBSERVATIONS on the Articles of Neutrality.

First, That tho' the Governor of *Livorno* perfects and signs these Articles, yet doubtless the Grand Duke and his Council were consulted in modelling the Agreement, conceived in Terms peculiar to the Court of *Florence*.

Second, That tho' this Court allows Consuls, in virtue of their Character, to appear on all Occasions for defence of their Master's Honour and Interest, yet the Duke would not enter on Treaty with them, in a matter relating to *their Sovereigns*, without their Approbation and special Authority granted to the Consuls; which rendered their Agreement Authentick.

Third, That these Articles can't be extended beyond the Port, Mold, and Road of *Livorno*; being design'd, and plainly express'd, for the Surety of all persons within these Limits.

Fourth, That by these Articles, no Subject of the Nations in War was oblig'd to render a Reason of his Actions to the Grand Duke, except such as *under Command of the Place should violate* the obligation reciprocally establish'd in the Neutrality.

Fifthly, That by *such means* only His Serene Highness was by this Contract engaged to *Cause the Insultor to render an exact Reason to the insulted*.

Sixth, That *William Plowman's Case*, neither by Fact nor Consequence, can be comprehended under the Penalty of this Agreement, for he committed no Hostile Action against the *French* in the Mold, Road, or Port of *Livorno*; The *Philip* and *Mary* did not weigh Anchor when the Light-house put out a sign of Ships approaching, neither did she depart within 24 Hours after any of the Enemies Ships had sailed from *Livorno*.

The Grand Duke in his Vindication and Letters to *His Majesty*, was pleased to alledge, That in favouring of *William Plowman's* departure from *Livorno*, His Highness had derogated from his Laws for the Rules of that Port.

To which the Complainants humbly crave permission to answer:

First, That no private Law of His Highness for a Rule to *Livorno*, could extend the Explanation of the Articles of Neutrality beyond their real intent.

Second, That no private Law of His Highness for a Rule to *Livorno*, could hinder, or dispense the Subjects of another Prince from the Allegiance they owe to their Lawful Sovereigns, or from the Obedience due to their Royal Commands, manifested in their publick Declarations.

Third, That the Great Duke in virtue of a private Law in his State, could not erect himself a Judge for deciding arbitrarily those Differences which happen'd at Sea between the Subjects of Two Kings in declared War, with a manifest partiality to the prejudice of the One, and favour of the Other.

Fourth, That there was no Law publish'd at *Livorno* for a Rule to the Nations in War; except the Agreement establish'd in the Articles of Neutrality.

Fifth,

Fifth. That no Law is esteemed of Force in any Country, until it be proclaim'd or rendered publick, imitating in this, the Example of God Almighty, who with Thunder, Lightnings, Cloud, Smoak and Noise of Trumpet, in a most solemn manner denounced the Moral Law, which Mankind was to observe. Numb. 4.

Sixth. That tho' the Grand Duke be absolute in his State of *Toscanny*, yet he never did nor can pretend to a title of Dominion over the *Mediterranean* Sea; so that for all Actions committed thereon, by other Princes Subjects, they are in the first instance liable to the Sentence of their lawful Sovereigns; and without their exprefs Command or Permission, cannot be arraigned before any Foreign Court incompetent for cognizance of the Cause: So it's humbly conceived,

Seventh. That the Grand Duke would have been much more commendable in acquainting the *King of England* with his Pretence against *William Plowman*, than by surprizing him at *Rome*, or by breaking through the Laws of Nations without regard to the Dignity and Authority of *His Majesty* to gratify the *French*, and a Resentment on their account nourish'd.

N^o. 5. ————— Relating to — Folio 4.

The Trade for Corn from *Cape-Negro*,
And the Consequences thereof Explain'd.

TO the Westward of *Tunis* lieth *Cape-Negro*, the Magazines for Corn are in a rocky Cove, secured by a Fort of 12 Guns, which is in possession of the *French* Farmers; the Road for Ships being foul Ground, and apt to cut their Cables; upon appearance of a North-West-Wind they weigh Anchor, and put to Sea; therefore that no opportunity may be lost on their arrival, the *French* maintain 200 Servants for the expeditious Shipping of the Corn.

This is the most convenient place for the *Moors* to bring their Corn unto, but none can be Exported without leave from the King or Bey of *Tunis*, who commonly bargains with Foreigners for the same.

In the year 1683, it was let to the *English*; since, the *French* have taken Leases by Seven years.

Paying yearly to the Bey — —	Doll. 10 000	Their yearly Export is about 20,000
Factors, Servants, Boats, & Reparations	24 000	Caffices of Corn, which they buy
Presents to the Chief <i>Moors</i> — — —	2 000	at 4 and 5 Doll. per Caffice, and
So the Farmers Net-profit yearly is — —	54 000	sell to their Countrymen at 8 and
—————	—————	10 Doll. which, one with another,
—————	—————	is 4½ Dollars profit; and on the
—————	Doll. 90,000	whole —————
—————	—————	Doll. 90,000
—————	—————	—————

Numb 5.

A Caffice measure is 12 *English* Bushels, so that 20,000 Caffices makes 240,000 Bushels; and of such a supply *Provence* and the adjacent Places in *France* have yearly stood in need; and their urgency for the same was so great, that the Chamber of Commerce at *Marseilles*, who direct the Trade of the *Mediterranean* Seas, would not allow any of their Merchant Ships to be qualified for a Voyage to the *Levant*, except such as had brought Corn from *Cape Negro*.

This bargain for Corn is not only advantageous to the Particular *French* Farmers, but of such consequence to that Nation, that they have secured it by the late Treaty which Monsieur *de Nesmond* managed at *Tunis*, to the Exclusion of the *English*.

When the Complainants entered on the Design for *Cape-Negro*, they had extraordinary Encouragement from the Bey of *Tunis*'s beloved Brother *Sidi Ramadam Basba*, who was swayed in their Favour by a deep sense of his Obligations to them; for when *Tunis* was attack'd by the *Algerines*, he was forced to fly for *Scio* in the *Archipelago*; which Island being soon after taken by the *Venetians*, he made his escape to *Livorno*, and remained in *Italy* until his Brother the Bey was re-established; during which time, the Complainants were frequently conversant with him, rendering him all the good Offices which lay in their power.

When the Bey called *Sidi Ramadam* home, the Complainants at their proper Expence Transported him and his Retinue, in number 24, on their Ship *Charles*, for *Tunis*; which was as grateful to the Bey, as pleasing to his Brother, who afterwards succeeded in the Government; wherefore laying hold on such a favourable Disposition in the *Tunizeens*, the Complainants proposed to Farm the Corn at *Cape-Negro*, had corresponded some time upon that subject; and the matter was carried so far with appearance of success, that by advice of those entrusted in the Management of the Affair, they had sent over for *Tunis* a Scimiter, enriched with Diamonds and Rubies to the value of 7000 Dollars, for a Present to the Bey, upon conclusion of the Bargain.

By the accomplishment of this Bargain, the Complainants would soon have enriched themselves, and have impoverish'd the *French* in *Provence*, or at least have drove them to great Extremities by want of Corn, which has been a great occasion of their Resentment, and of the Grand Duke's entering so warmly into their Quarrel against the Complainants.

The Bey had conceived such an esteem for the House at *Livorno*, that he proposed to lodge in their hands 100,000 Dollars for a Reserve, in case that by any future Revolt he should be drove from his Country, and desired a secure conveyance for the same, which was an inducement for equipping these Ships, and for *William Plowman*'s Embarking to manage these Concerns.

N^o. 6. ————— Relating to ————— Folio 5. Numb. 6.

Account of the Ships outset, and Cost of the Cargo,
in the Expedition for purchasing of Coffee,
and securing the Corn-Trade ;

As by their Books of Accounts appears, viz.

Leiger Fol. 261.	The Cost and Outset of the Ship } Charles amounted to —————	Doll. 12458:13:2
262.	The Cost and Outset of the Philip } and Mary amounted to —————	9946:18:10

Ships ————— Cost and Outset ————— Doll. 22405:12

The House Laded the following Effects as by their
Books of Factories particularly appears, viz.

Folio—210	Perpetuanos ———	2 Bales ———	Doll. 392:18:5
211	Cloath ———	20 Bales ———	8449:11:8
212	Spanish Dollars ———	8944 ¹ / ₂ ———	9363:17:4
213	Cocheneel ———	318 l. ———	1387:10:8

At Livorno ————— Doll. 19593:18:1

At Tunis ——— was

Put on Board in Spanish Dollars ——— 4000 ———.

Cargo ————— Cost ————— Doll. 23593:18:1

Import of the Expedition ————— 45999:10:1

This Sum, Forty Five Thousand Nine Hundred Ninety Nine
Dollars Ten Solds and Denier of Livorno, calculated at Five Shillings
Sterl. for a Dollar, makes Eleven Thousand Four Hundred Ninety Nine
Pounds Seventeen Shillings and Six Pence Ster.
Dol. 45999:10:1. In Livorno, at 5s Ster. for a Dol. is in Lond. l. 11499:17:6.

O B S E R V A T I O N S on this Cargo.

Here are no contreband Goods forbidden by the Grand Duke's Laws
to be Exported ; so the Complainants had no reason to fear an after-
pretence upon what they had done in a fair way of Trading, their
adventuring such a considerable Cargo (with great Submission) is a
proof of their Innocence ; for had they aimed at any thing unjust or
condemnable, the first step in management would have been to secure
their Estate, to have kept these Goods, and the produce of other effects
from falling into the hands of the Great Duke's Ministers, or of the
French.

The

Numb. 7.

N^o. 7. ————— Relating to — Folio 5.

The Deposition of four French Mariners, viz.

John Pais, Matthew Marianne, Ange D'olive, and John Cipoline, who were on board the *Santa Barbara*, Capt. *Fougasse*; and declare, that he was taken by the *Peace-Sloop*, and that the *Philip* and *Mary* had no share in the Action.

N^o. 317. Ex
proto collo.

In the Name of God Amen, &c. In the Year of our Lord and Saviour Jesus Christ 1696, the 4th Day of *June*, *Innocent* the 12th Pope, and the Most Serene *Cosmus* the Third, Grand Duke of *Toscany*, now reigning, &c. made at the *Health-Office*, in the Presence of *Pelegriano Piacentini*, and *Andrea Candiotti* of *Legorne*; Witnesses, &c.

At the Instance and Request of the Worshipful *John Burrow*, Consul for the *English Nation*, and Agent for Prizes for *His Majesty* of *Great Britain*, &c.

I the underwritten Notary-Publick, being come to the Pratick-house and Health-Office to receive the Attestations and Depositions of Four Mariners, who were in a Boat at the said Health-Office without Pratick, concerning *The Ship Santa Barbara*, Capt. *Joseph Fougasse*, French, and the Manner of her being taken; whereof the said Mariners were well able to tell; and therefore after leave procured from Seignior *Claude Bariglion*, Minister of the Health-Office, said, Men being on Shore at the Door thereof, personally appeared before me, Notary, and Witnesses above-nam'd, *John Pais* of *Cluvergne*, an Inhabitant of, and married in *Venice*; to whom after giving him his Oath upon the Holy Bible, and requiring him to tell the Truth, &c. which he swore he would, and declared, That the said *Santa Barbara*, Capt. *Fougasse* a French-man, and Ship coming from *Constantinople*, her lading consisting of sixty to seventy Bags of Wool, Eight hundred to a Thousand Quintals of Box wood, a thousand Quintals of Rock-Allom, Two hundred Bull-hides, and about Sixteen Quintals of Bees-Wax; which Lading and Ship were bound for *Marseilles* and finding themselves on the 27th of *April* last past 1696, near *Cape-Caccia*, in the Island of *Sardignia*, about Two hours before Sun setting, they spied a Ship, and a Sloop, both *English*; The Sloop being nearest to the *Santa Barbara*, did fire three Guns at her, upon which she presently struck, and the Sloop immediately sent her Boat, and took possession of her; all the while the *English* Ship was at some distance, and did not commit any hostile Act whatever, nor so much as fire a Musket: And this he swears is the real Truth, and matter of fact. I Notary ask't him how he knew this to be true. &c.? and his Reply was, That he had been a Seaman on board the said *Santa Barbara* when she was taken, as were his Consorts *Matthew Marianne, Angelo D'olive, Jean Cipoline*; and that he could not be informed hereof. Upon general Points he affirmed himself to be 36 years old; to have confessed and communicated at due times, that he was neither instructed nor suborned in the Case.

The same Formalities were observed, and in the Instrument repeated at large with

Matthew Marianne of *Villa Franca*, 45 Years old

Angelo D'olive, a *Venetian* — — 27 Years old

Jean Cipoline of *Palma-Nova* — — 24 Years old

All Catholics, who had confessed and communicated in due time, not Instructed, &c. nor Suborned, &c.

By

A P P E N D I X.

41

By Commission from the said Mr. Consul, I have reduced these Depositions into publick Form, that they may stand as they ought to stand for perpetual remembrance of the matter, to the praise of God, and the Blessed Virgin *Mary*; & ita rogatus. Numb. 7.

I *Joseph*. Son to the late *Victor Barsotti* of *Livorno*, Doctor in both Laws, and Notary-Publick askt to the present Instrument, in testimony thereof, have signed and sealed it with my usual Seal, to the praise of God, &c. O. L. S.

We Counsellor of the King, Consul of *France*, in the Seas of *Toscany*, residing at *Livorno*, do certify to all persons unto whom it may appertain, That Mr. *Joseph Barsotti*, who has received and signed the present Instrument, is a Publick Notary in this City, to whose Writings and Subscription, full and entire Faith ought to be given as well in Court as without: In witness whereof we have signed these Presents, and to them affixed the Royal Seal of our Consulate, at *Livorno* the 14th of *January* 1699.

Signed, *Gibercourt*. O. L. S.

After *William Plowman* was condemned to the Payment of the *Santa Barbara*, some persons in *Florence*, concerned in the matter, being desirous to appease their Consciences, had recourse to the Casuists of that City, who if well hired would sing the *Requiem* to *Nero*. They decided the matter thus; That the Grand Duke could not in Justice, and in virtue of the Promise, condemn *William* for the *Santa Barbara*; but for Breach of Word might, by a Sovereign Authority, condemn him to the payment of a Fine of 10000 Dollars.

Nº. 8. ————— Relating to ————— Folio 7.

Account of Goods at *Naples*,
Belonging to *William Plowman*, and other *English* Merchants,
taken by the Grand Duke's Ministers, and their Proceeds put
into the Hands of the *French*.

45—	Bales, Cotton Yarn, fundry marks, value--	Dol. 4500
W P--- 6—	Bales Cotton Wool —————	500
L B--- 9—	Bales Goats Wool —————	1000
R W-- 2—	Bales fine Cloath —————	1300
F—4- 10—	Boxes Cinamon Bark —————	1000
W 3—	Chests Cochineel —————	2900
RO-4- 2—	Bags Coffee —————	500
V-68—	Bales <i>Jerusalem</i> Filladoes —————	6800
F--26—	Bales <i>Telerie</i> , or Linen —————	6500
171 —	Parcels of Goods valued } —————	25000
	in Ducats of <i>Naples</i> —\$.	At 20 per Cent. Dol. 20000.
Doll. 20,000 of <i>Livorno</i> at 5 Shillings Ster. per }		
Dollar, makes five Thousand Pounds Ster.—\$.		£. 5000. Sterl.

M

O B.

OBSERVATIONS on the above Account of Goods.

All *William Plowman's* Papers were seized at *Rome*, dispersed or detained, so that the particular Factories of the said Goods can't be produced. *Capt. John Brome*, Commander of the *Philip and Mary*, was by a Fever detained some Months at *Messina*; who having pretences on part of these Goods, upon notice of the Prisoner's Treatment ordered an Attachment to be laid in his Name on these Effects, which frustrated the powerful Solicitations of the Grand Duke's Agent and Friends for carrying them arbitrarily away.

After Recovery, *Capt. Brome*, in the first Instant, assured that his behaviour towards the Grand Duke was justifiable, came to *Livorno*, in hopes of an Accommodation: At Landing, the Advice of his arrival was sent by an Express to *Florence*; *William Plowman* was stimulated to commence an Action, and to supplicate Assistance from the Grand Duke's absolute Authority, for constraining the Captain to renounce his Claim, that the Effects might be surrendered to His H. Agent and the *French*.

William Plowman, through fear, in a Dungeon, and desire of Liberty, concurred for the Accomplishment of this design by the most rigorous methods; but a prudent reflection induced the Contrivers thereof to try some smooth Persuasives and Circumventions first.

Pursuant to this last Resolution, Father *Cosimo*, a Profelyte, great Favourite, and a Man of an officious and intriguing Temper, was dispatched for *Livorno*, to model Captain *Brome*, and to divert his Friends from assisting him.

Upon arrival at *Livorno*, this *Capuchin* Father acquainted *John Crookbanks* with the Danger wherein *Capt. Brome* was; the Governor there having Orders to watch his Motions, and that they who assisted him would incur the displeasure of the Court. *John Crookbanks* being desirous to have *Capt. Brome* informed of the impending Danger, proposed a Conference.

This being agreed upon, and performed, the Father was made so sensible of the Case, that he promised his Assistance to the Innocent, and concerted the methods for *Capt. Brome's* delivery, counselling him to go for *Florence*, and lay himself at the Great Duke's Mercy; and for suspending any hasty Execution, to desire a Conference with *William Plowman* in Prison; and to prevent his being detained there, to give the Prisoner good promises of concurring to every thing reasonable and convenient.

In consequence hereof, it was agreed in Prison, by Contract before a Notary, that *Capt. Brome* should raise the Attachment at *Naples*; and upon surrender of the Goods to the Grand Duke's Agent, he was to receive Four Thousand Dollars, or their just value; by this means *Capt. Brome* got clear out of *Toscany*, and went for *Naples*.

He being arrived there, upon discovery of the matter to several of his Countrymen there, they thought the Case hard, and that the Captain was out of the Grand Duke's reach; so they counselled him to protest against the Agreement in Prison, because violent and extorted; and withal, to insist upon his Right and Privileges under *His Majesty's* Protection.

Being influenced by these Advices, *Capt. Brome* protested and revoked every thing he had done at *Florence*, exclaiming against the arbitrary proceeding of that Court.

Upon

Upon notice hereof; the Grand Duke was extremely exasperated, and by means of the Prince *Octaviano Di Medicis* at *Naples*, got Capt. *Brome* clapt up in Prison, and detained there, until the Goods were surrendered; allowing him only 2000 Ducats, value of 1600 Dollars, instead of Four Thousand at first agreed.

This shews how little regard the Grand Duke has for the Privileges, Persons, and Interest of the Subjects of *England*, when he's resolved to crush them.

Nº. 9. ————— Relating to ————— Folio 7. Numb. 9.

Copy of LETTERS by Order of the Great Duke.

Written to *William Plowman*, encouraging him to leave *Naples*, upon Assurances of a favourable Reception at *Florence*.

Numb. 10. N^o. 10. ————— Relating to — Folio 8.

Copy of a Petition to the Pope, presented by the *English* at *Rome*, upon Imprisonment of *William Plowman*.

Holy Father,

WE the *English*, your most humble Petitioners, do with all Reverence supplicate your H. would be pleas'd to Order the Examination of the Motives for the Seizure the 23^d of this Month of *January*, of *William Plowman*, an *English* Merchant; considering that the *English* enjoy equally with other Nations here at *Rome*, the Honour of your gracious Protection.

Wherefore the above Petitioners do instantly supplicate your H. would in great Clemency be pleas'd to Command the foremention'd *William Plowman* to be restor'd to his former Liberty, seeing he is a Subject of His Majesty of *Great Britain*.

And your Petitioners shall ever pray.

N^o. 11. ————— Relating to — Folio 9.

Account of an Adjustment in Prison, made betwixt Seignior Auditor *Angeli*, *William Plowman*, and *John Crookshanks*.

Dol. 41,600-- Was calculated for the Import of the *French* Demands in the greatest Extent, for the Ships and Cargoes of *Leoncé* and *Tarquon*, because at this time the Grand Duke did not intend to condemn *William Plowman* for the *Santa Barbara*, not judging him liable to that demand.

It was judg'd reasonable and just that the *French* should allow for the Bark and Parcel of Paper ransom'd by *Padron Tarquon*, according to his Obligation, the Bark and Paper being seiz'd at *Alexandria*, at instance of the *French* Proprietors ———— Doll. 4000

It was judg'd reasonable and just that they should allow the Bills of Exchange seiz'd at *Venice*, which were for the Ransom of *Leoncé's* Ship, and part of the Cargo rendered to the *Capitan* ———— 6600

It was judg'd reasonable that the *French* should allow the 31 Bags of Coffee belonging to the Prisoner, seiz'd at *Marseilles* ———— 17000

That then, to compleat their Pretensions for his }
S. H. Indemnity, was only wanting ———— } 14000

Dol. 41,600. ————— Doll. 41600

N^o. 12. ————— Relating to ————— Folio 9. Numb. 12.

LIVORNO, 22^d of April 1697. Abstracted
from the Book of Factories, Folio 240.

Factory of 49 Bales of Goods, depofed in the *Dogana*, in the hands of
Seignior *Francesco Terieſi* Proveditor; being in part of the Dollars
Fourteen Thouſand, to be laid down in conformity of the Treaty with
Seignior Auditor *Pietro Angeli*, for Security of the Grand Duke, in
granting the Liberty of *William Plowman*, to be Aſſiſtant in bringing up
the Affairs and Dependencies of the *Raggione*, who likewiſe is liable to
us for the value of what we advanced for procuring his Liberty. The
Goods marked and numbered as followeth, and bought of the under-
mentioned perſons.

Bales 24 Cotton Yarn, bought of the following perſons, viz.

Bales 7 Bought of *Moifes* and *Jacob Ferrera*
the 17th Currant, and the ſame day depofed
in the Custom-houſe, weighs — N^o.

		GR	{ 5--330 l.
17 of <i>Moifes</i> and <i>Abram Franco</i>		M	{ 6--330
the 18 cur. depofed in <i>Dogana</i>			{ 2--354
N ^o . 131 — 518			{ 4--356
132 — 515		N F.	{ 7--342
133 — 520			{ 8--356
134 — 534			{ 9--360
135 — 522			
136 — 505			2428 groſs
138 — 508			112 tare
139 — 520			
141 — 556	F C		Bales 7, 2316 Net. at 20 per C.
142 — 512			Doll. 463.4.
143 — 498			
146 — 504			
147 — 500			
148 — 502			
149 — 508			
B — 458			
C — 512			

8692 l. groſs
496 tare

8196 l. Net. ————— Bales 17, 8196. at 20^r C. 1639.4.

Transported, Cotton-Yarn, ————— Bales 24, 10512 l. Net. Doll. 2102.8.

Bales 24 - Cotton-Tarn brought over, Importing ————— Doll. 2102.8.

25 - Telerie, bought of the following persons ————— Pieces—Prices.

Bales 2. Of *Moises, & Jacob Ferrera*, 17
cur. the same day depofed in
the Custom-house, containing
Indiani D'arbachi ————— N^o. 8.9. RL. 198 l.12 pr.ps. 396

1. Ditto of *Ferrera* 17 currant,
depofed the same day in the
Custom-house, contains 215
half Pieces *Indiani* ————— N^o. 4— FA 107½ l.12 pr.ps. 215

3. Of *Laffaro Coen & Fratelli*, 19
currant, the same day depofed
in the Custom-house, contains
Indiani in half Ps. 51 is, 25½ } N^o.
ditto whole Pieces —335 } 2 a 4 CP 360½ l.12 pr.ps. 721

1. Of *Moises and Jacob Ferrera* 17
currant, the same day depo-
fed in the Custom house, viz.
Indi. fine ps. 58. a l.15, l.145 } N^o.
Tele Sangale 65—12—130 } 1— A—142—Sundry 389
Tele baptifte—19—36—114 }

2. Of *Moises & Abram Franco* 18
currant, the same day depofed
in Custom-house, containing
Fele Sangale ————— N^o. 12— B—120 at Dol.1¼ 210

10. Of *Moises Attias & Sons* 22
currant, the same day depofed
in the Custom house, contain-
ing *Tele Sangale* ————— N^o. 3 a 12 B—600 at Dol.1¼ 1050

1. Of *Moises & Abram Franco* 18
currant, same day depofed
in the Custom-house contains
Turbanti 108 ps. Dol.13.1404 } N^o.
Indiani—2 ———— 2—4 } 5— P—110—Sundry 1408

4. Of *Moises & Abram Franco* 18
currant, same day depofed in
the Custom house, contains
Velesi ————— N^o. 1 a 4 IC—288 at Dol.4 1152

1. Of *Moises & Abram Franco* 18
currant, same day depofed in
the Custom-house, containing
Indiani Aspahan ————— N^o. 5— IC—100 at Dol.4 400—

25 Bales, containing Sundry forts *Telerie*—2026 Pieces

Bales 49. - Goods. ————— Charges follows ————— Doll. 8043.8

Emballers in vifiting and making up the Bales — l. 49.—:—

Porterige from Magizin to Cust.-h. & other Charg. — 49.—:—

Brokeridge ½ per Cent. ————— 241.6:—

at 115 l. 339.6. is 59 —2

Commission 2 per Cent. ————— 160.17.4

-97 Apr.22 Carried in debt of Goods depofed in the *Dogana* of *Livorno* Dol.8263:5:6

The

The Circumstances of the present Case consider'd, it will appear that the Complainants were struggling to preserve their Reputation, to recover their own and their Friends Effects; for accomplishing the same, they wanted the Liberty and Assistance of *William Plowman*; which being absolutely requisite for procuring them, they were willing to use their utmost Efforts.

The Complainants depending on the probity and promises of the Grand Duke's Ministers, laid themselves and their interest at their Mercy, thinking this Agreement was designed for their Relief, and not for their Ruin; their Behaviour herein was the strictest Engagement could be laid on the *Florentines* to act generously and justly, according to the Conditions and Intent of the Agreement, whereby the Goods were deposited.

Had the Complainants been apprehensive of a surprizal, or of a disappointment, they might have reserv'd these Effects, and applied them to the satisfaction of Creditors, and consequently to their own support in the urgencies which they have since undergone.

This Transaction was sufficient to crush the best-established House abroad, being in effect destructive and pernicious; for after this no person would trust any part of their Estate in the hands of *Englishmen* in *Toscany*, who were rendered incapable to preserve or defend their own Interest.

When the Complainants understood that the Grand Duke had given Orders to expose these Goods to Sale by publick Outcry, they used all possible means to divert his Serene Highness, but without success; by which it plainly appears, that his Ministers had projected the utter Ruin of the House and Prisoner.

The Complainants were willing to submit to the present Loss of their Goods, and for last refuge presented a Petition to the Grand Duke, humbly supplicating his Serene Highness not to expose their Goods and Reputation at the same time, but to cause these Effects to be appretiated by the *French*, and put into the hands of a third person; who should not only lay down the present Valuation, but be accountable to His Highness for so much as their Produce might surmount the same. But no mitigation was to be allowed the *English*; Rigour against them was esteemed good policy for pleasing the *French*. Such unequal dealing deserves Censure and Resentment in this World, and Punishment in the next, if it be not prevented by a just Reparation.

Nº. 13. ————— Relating to — Folio 9. Numb. 13.

Copy of a Bill of Exchange,

Tendered to Seignior Auditor Angeli, for compleating the Agreement made for the Liberty of *William Plowman*, viz.

Seignior *Gabriel De Medina*. ————— *Livorno* 3d July 1697.

IN virtue of this our Order, be pleased for us to make an Obligation to his Serene Highness for Six Thousand Dollars, payable upon Demand in Two Months after that *William Plowman* shall be delivered from Prison, and set at Liberty in this happy State, and pass the same to our Debt.

To Mr. *Gabriel De Medina*,
Merchant in *Livorno*.

Rigby Shepard, and Company.
Accepted *Gabriel de Medina*.

Nota

Nota—The *French* had in their possession at first
instance by Goods and Effects, ransom'd and
seized in Three Articles, *Appendix* N^o 11. — Doll. 27600

The above Bill imported ————— Doll. 6000 ———

The Goods deposited, imported ————— 8263:5:6

Surpass the Agreement. ——— Doll. 14263:5:6, 14263:5:6

Surpass. The import of what the *French* pretensions
could import ————— Doll. 41263:5:6

Numb. 14. N^o. 14. ————— *Relating to* ——— Folio 11.

Copy of the Third Article of Peace
concluded at *Ryswick*.

THat all Offences, Injuries, Damages, which the said *King of Great Britain* and his Subjects, or the said Most Christian King and his Subjects, have suffered from each other during this War, shall be forgotten; so that neither on account of them, or for any other Cause or Pretence, neither Party, or the Subjects of either, shall hereafter do, cause, or suffer to be done, any Hostility, Enmity, Molestation, or Hinderances to the other, by himself or others, secretly or openly, directly or indirectly, by colour of Right, or way of Fact.

Numb. 15. N^o. 15. ————— *Relating to* ——— Folio 11.

First OBSERVATION on the Great Duke's Sentence.

A Visible and irreparable Nullity by Three inconsistent Qualities which concur in the Person of his Serene Highness, who is in the *Cause, Party, Only Witness, and Absolute Judge*; and how any person can be reasonably or legally invested with these Qualities and Privileges, over the Subject of another Prince, is to all wise and impartial Men yet a Secret: Some of the Judges and greatest Civilians at *Rome*, have, by a Maxim there, incontestably supported, declared their Opinion, That the Pope himself, *ex Cathedra*, cannot be Judge in his Own Cause, tho' to him Appeals are allow'd from all Courts of Princes in *Italy*.

Second OBSERVATION.

Out of Three *English* Ships sent on the Expedition, the Grand Duke selects the *Philip* and *Mary*, which of all the small Squadron was the least subject to any pretension, unless she was condemnable for carrying *William Plowman* through the Sea, on a design displeasing to the *French*.

For the *Peace-Sloop* had no Letter of Mart from *The King of England*; She had been a Prize taken from the *French* by Capt. *Young* in the *Delavall* Galley, Fitted and Mann'd at *Livorno* publickly.

The

The *Charles*, Capt. *Pickering*, was a Ship which the House bought of a *Frenchman*, who had fled with her to *Livorno* for a *Salvo condotto*, by which means he robbed his Creditors and Countrymen. By a Decree in the Tribunal of *Livorno* the Contract of Sale was confirmed, and afterwards the Ship was there publicly equipped. Letters of Mart were procured from *His Majesty* to Capt. *Pickering*, who by the *English* was sworn openly on the Mold of *Livorno*, in Presence of sundry *Italians* and *French*; and these Proceedings were never opposed nor censured by any person.

And the *Philip* and *Mary* had been lately brought in a Prize by Capt. *Brome* in the *Mary Rose*, and was afterwards condemn'd in the High Court of Admiralty a Perquisite to the King, who was graciously pleased to give her to the Captor, who Transported himself and his Crew on this Ship, and left the *Mary Rose*; which, with great Submission, the Grand Duke could not lawfully hinder.

Third OBSERVATION.

This (so far as the Complainants can learn) is the first Example of a Sentence past in *Toscany* by a Grand Duke personally, and signed with his proper hand; and, with great submission, for Two Reasons:

First, The Judges of the Sovereign Courts at *Florence* could not by a legal and formal Tryal convict and condemn *William Plowman*, nor imagin themselves competent for decision of a Case, which in merit of the Cause touched the Dignity and Prerogative of Two powerful Kings in declared War; so the Duke in proper Person must make the Attack, and dispense Favours, or inflict Punishment at his pleasure.

Second, If the foregoing Reason be not approved and supported by the Great Duke's Ministers; then, with great submission, their Proceedings seem to imply a very great Propensity in his Serene Highness to acquire *in propria persona*, the important Merit of gratifying the *French*, by showing how openly he Espoused their Quarrel and Resentment, and to what a degree he would adventure to patronize and execute their Revenge against the Subjects of *England*.

Fourth OBSERVATION, on the Words,
William Plowman, English Merchant.

The Great Duke declares *William Plowman* is an *English* Merchant, which condemns the Allegation given at *Rome* of his being a Pirate, and Subject of his Highness; whereby the Pope was moved to Order his Capture and Imprisonment; and, with great submission doth shew, beyond all dispute, that the Great Duke had no Right to demand him from *Rome*, and the Pope no Reason to surrender him without a legal Tryal of his Cause there: For supposing that in decision of the Case, he had been convicted of Piracy laid to his Charge; yet if the Court of *Rome* had observed their own Precedent in an affair of that nature, which was known to his Highness and his Ministers, it's humbly conceived, the Pope would not have adventured on the Surrender of the Prisoner, an *Englishman*, nor the Great Duke have attempted to ask it in such an unwarrantable and impracticable a manner. The Precedent being as follows.

Numb. 15. *A Precedent of the Court of Rome, in denying the Surrender of Prisoners and Robbers, in the Case of the Peace-Sloop.*

THis *Peace-Sloop*, *William Garland* Master (the same mention'd in the Narrative) was in the Year 1695, dispatch'd by the House from *Livorno*, with Cloth, Tin, Silks, and Money, for *Alexandria*, to purchase Coffee.

In her Passage, going along the *Roman Coast*, the Mate *Paul Craine* (an *Irishman*) having seduced those of his Watch, in the Night-time, seiz'd the Others of the Sloop's Crew, who were under Hatches asleep.

This done, these Accomplices, in a violent manner, entered the Cabin, attacked, wounded, seiz'd the Captain, and carrying him from thence bound, threw him headlong into the Hold.

Then *Craine* and his Accomplices broke open the Chests of Money, the Boxes of Silk, and Bales of Cloth, and carried away as much of these Effects as they could conveniently stow in the Long-boat; with which they Row'd to *Civita Vecchia*, and from thence with their Prey went to *Rome*.

Capt. *Garland*, with the remainder of his Crew which were on Board, having by mutual Assistance cleared themselves of their Ties and Confinement, with much difficulty carried the Sloop into *Naples*, and there before Sir *George Davis*, *English* Consul, gave Depositions of the Fact.

The Matter coming to the knowledge of the House, and other Persons concern'd in *Livorno*, they obtain'd from the Great Duke himself Recommendations to the Pope's Ministers, and used their utmost Endeavours to get the Delinquents brought to condign Punishment; but they were frustrated by *Paul Craine's* asserting himself to be a Subject to the late King *James*, and by him Commission'd to attack and surprize his Enemies.

The *Romans* could not openly countenance such Treachery in *Craine* and his Accomplices, nor imagin that a Commission from any Prince could be intended to authorize a Villain in seizing, wounding, and robbing his Master, who gave him Victuals and Wages; yet such regard was shown at *Rome* to *Craine* and his Accomplices, that the Pope's Judges did only condemn them to the Restitution of what Effects were found with them.

The Partiality of the Pope and his Ministers in this Case, as well as in the Cause of *William Plowman*, can only proceed from Two Motives:

First, Because *Rigby* and *Shepard* were Protestants.

Second, Because they were *English* and Subjects of *King William*; or else they must confess, that the Constitution and Privileges of *Rome* do not allow the Surrender of any person, either Inhabitant or Passenger there.

Upon whatever Point the *Romans* fix their Excuse, they can never reconcile such contradictory Proceedings, in opposite Extremes, so arbitrary and destructive, by taking into Sanctuary the Persons of such Notorious Villains as *Craine* and his Accomplices were; and by denying Protection, or a legal Tryal to *William Plowman* an *English* Merchant, and Man of Reputation.

Neither can the *Romans* justify the Indignity by them done to the *King of England*, to the great prejudice and damage of his Subjects, by the partiality or inadvertency of the Pope, in breaking through the Laws of Nations and Rules of Common Equity, which, as a Temporal Prince, he was indispensably engag'd to observe.

Fifth

Fifth O B S E R V A T I O N.

Numb. 15.

The Great Duke declares, that *William Plowman* was in Prison, under Bolts, in a Dungeon, without Assistance of Council to plead his Cause, and without Liberty to appear before his Judge to make a personal Defence; it's evident, that a Man in such circumstances would aim at the Preservation of his Person, more than at the Vindication of his Right and Interest; and the Consequences hereof are palpable.

Sixth O B S E R V A T I O N.

The Great Duke declares, That *William Plowman* having Given us his Word, that the Ship *Philip* and *Mary* should not molest the French.

The Complainants, with a profound Respect for the Dignity of the Grand Duke, crave leave to deny any promise given to the intent or import of his Highness's late Pretensions.

Tho' a Promise were given, it's insubsistent and invisible, being buried under the Rubbish of Nullities in a heap: *Viz.*

It was private, without Witness, or Hand-writing.

Apparently extorted, upon the Necessity of *William Plowman's* Departure, without a valuable Consideration of Reciprocal Security.

William Plowman had no Authority to tye Capt. *Brome's* Hands from executing his Commission.

Had no Right to engage under forfeiture, the Share of Prizes due to the Crew of the *Philip* and *Mary*.

Had no Power to ingulph the House, his former Co-partners, in a pernicious and destructive design, without their consent or knowledge.

Instead of looking on him as a Person qualified to treat with a Sovereign Prince on such disadvantageous and illegal Terms, it's humbly conceived his Highness might have looked on him as a Man destitute of Sense, and so have declined an Agreement, or Promise, which neither in Honour, nor by Law, could be required or accepted; considering,

That, His Highness in Honour was engag'd to observe the just Rules of Neutrality; the Sum of his Privilege therein being only to favour one Party, so far as it might be done without prejudice to the other.

That, His Highness could not withdraw an *Englishman* from the Allegiance due to his Lawful Sovereign, by a Promise so derogatory to the Honour of *the King*, and so contrary to the Interest of the *English* Nation.

That, After a War declared and entered into by *the King of England* against the *French*, or any other Nation, it was not in the Power of any of *His Majesty's* Subjects, to promise that his Ships should not molest the Enemy in such Places as by Laws of Nations are allowed; nor in the Power of any Foreign Prince in Neutrality to extort or require such an Obligation from a Subject of *England*.

Seventh O B S E R V A T I O N.

The Grand Duke declares, That the Ship *Philip* and *Mary* was Com-manded by Capt. *John Brome*, an *Englishman*; nor could His Serene Highness be ignorant that the said *Brome*, in the *Mary Rose*, by virtue of a Letter

Numb. 15. ter of *Mart* from the *King of England*, had lately brought into *Livorno* several *French Prizes*, whereof the *Philip* and *Mary* her self had been one; and it can't be proved nor alledged that ever *Capt. Brome* was privy to the Promise for which *William Plowman* is condemn'd, supposing it had been given to the Extent of what the Great Duke's Ministers pretend, and the Sentence implies; yet, with submission, no valuable Reason can be assign'd, nor any Example produced for Extorting a Promise derogatory to *His Majesty's* Royal Prerogative, prejudicial to his Interest, the Right of his Subjects, and opposite to Common Equity.

Eighth OBSERVATION.

The Grand Duke declares, That upon the *Philip* and *Mary*, *William Plowman* Embarked, in quality of Passenger, (by clear consequence); for *Capt. Brome* had the Commission and Command, and his Directions only the Crew was engaged to observe: tho' the Sentence seems clearly to prove this matter; yet the following Depositions will put it beyond doubt.

DEPOSITIONS of English Officers,
Who were on Board the *Philip* and *Mary*, *Capt. Brome*; viz.

We underwritten Officers, &c. belonging to the Ship *Philip* and *Mary*, *Capt. John Brome*, who departed from *Livorno* in the Month of *April* last past, and went for *Tunis*, *Alexandria*, *Cyprus* and *Scanderoone*, where we Laded our Ship with Merchants Goods for *Livorno*, and arrived in *Messina*, *September* last, do attest and declare with our Oaths upon the Holy Evangelists. That during all the term of the said Voyage, we never did make any use of the *Bandiera* or Ensign of the Great Duke of *Toscany*, neither had we any such Colours aboard: Moreover, We also attest, that when *Mr. William Plowman* Embark'd at *Livorno*, he brought a-board a very considerable quantity of Bags of Money, to purchase Coffee at *Alexandria*: But when we came there, found the Plague so hot, that after Landing a good part of the said Money, we proceeded for *Cyprus* and *Scanderoone*, where we loaded our Ship for *Livorno*; the major part whereof belonged to the said *Mr. William Plowman*; who, during the whole term of the Voyage, never did act nor take upon him any Office whatever, further than being a Passenger on Board us: In witness whereof, We have signed hereto, in Presence of the Worshipful *Sir George Davies*, Consul in *Naples*, the 5th Day of *February* 1697.

Signed, *William Biggin*, Master.
William Squire, Purser.
William Tapp, Mate.
Richard Vosse, Boatswain.

Sigillum. I *D. George Davies*, Consul-General of the *English Nation* in this City and Kingdom of *Naples*, do attest, That the foregoing Attestation was sign'd in my Presence by the said Subscribers, who are the Persons they represent: In Testimony whereof, I have underwritten this present, and thereto affix'd the Consular-Seal of *Naples*, the 4th of *February* 1697.

Signed, *D. Georgio Davies*, Consul.

Fidem

Fidem facio ego Franciscus Cerbinus de Neap. Regius Notarius, ac V. J. Dr. supra dictani fidem fuisse subscriptam propria manu supra dicti Dom. D. Georgii Davies, Consulis Generalis, pro Serenissimo Domino Rege Angliæ in hac civitate & regno Neap. fidem facientis supradictos subscribentes esse tales, quales se faciunt, & in fide Rogatus signavi Neap. 4^o. Feb. 1697. *with Paraph.*

The pretended Promise was on many accounts illegal, and by the above Attestations appears the great Impossibility of performance on *William Plowman's* part; who being only a Passenger, without Command, could not restrain 150 Men from taking Prizes in their view, which with a just Title they might judge themselves capable to seize.

Ninth OBSERVATION.

By the Great Duke's Sentence it's pretended, that *William Plowman* is obliged for Two Points; *viz.*

First, As Surety for the Ship *Philip* and *Mary*.

Second, That she should not molest, or give any Trouble to the *French Ships* or Vessels.

In this the Complainants follow the Terms of the Great Duke's Sentence, which, according to the Narrative part thereof, implies, That *William Plowman* was oblig'd to indemnify the *French* for all Prizes which the *Philip* and *Mary* should take from them. Allowing his Highness to establish his Pretensions on this Basis; yet the Complainants do humbly conceive, that *William Plowman* cannot be made liable to the Restitution of these three Prizes for which he is condemn'd: For proof of this matter, reference is humbly craved to the *Observation*, N^o.

Tenth OBSERVATION.

The Grand Duke in the Sentence declares, That notwithstanding the foregoing Promise, the *Philip* and *Mary* having departed *Livorno*, it appears, by her were taken Three *French* Prizes; *viz.*

The Ship *Santa Barbara*, Capt. *Joseph Fougasse*, coming from *Constantinople* to *Marseilles*.

The Ship *Virgin's Hope*, Capt. *Francis Leoncé*, from *Scanderoone* and *Cyprus*, passing for *Venice*.

The Bark *Lady Good Encounter*, Padrone *John Turquon*, who from *Marseilles* was going for *Cyprus* and *Scanderoone*.

With great Submission and Respect to the Grand Duke, this part of the Sentence does not only comprehend a manifest Nullity, but also an evident Contradiction to the matter of fact.

NULLITY.

By the designation of the Voyages, and place of Capture, the Grand Duke declares, That these Vessels were taken *super Altum Mare*; and his Highness very well knew in *Time of War*, and consequently that the Case had no reference to, nor dependance upon the Articles of Neutrality sign'd at *Livorno*, for they relate only to that Port and Road, as the Chamber of his Highness; beyond which Bounds, and the Limitations establish'd by the Nations in the Articles of Neutrality, he could not extend his Authority to the Arbitrary decision of Differences happening

Numb. 15. at Sea between the Subjects of Two such Potent Kings, and to the partial Execution of a Sentence in favour of the *French*.

The great Precaution, and nice Regard which the Grand Duke had for the Contentment of his Christian Majesty, and the Satisfaction of his Subjects, is not only apparent in each Step of his Highness's Proceedings, in each Article of his Sentence, but in a very unaccountable manner since explain'd, and avowed by the Grand Duke's Letters and *French Memorial* on this Subject, viz. *Son Altesse ayant affaire avecq un Prince* (meaning the *French King*) *bien plus puissant qu'elle*; as if this Argument could justify the Injuries done to the *English*, or divert *His Majesty* from Vindicating his Honour, and from Maintaining his Subjects in their Rights under his Royal Protection: These Words of his Highness carry such a disparaging Consequence, that their Perusal or Repetition will unavoidably cause an Emotion in a True *English* heart.

The Grand Duke in his Letters to *the King*, was pleas'd to alledge his being oblig'd to the *French* for *William Plowman*; and that without his Promise, the *Philip* and *Mary* would not have been suffer'd to depart.

For Answer to the first Point alledg'd; it's humbly conceived, that the Expedition of this Vessel could not render the Grand Duke, or his Subjects, obnoxious to the Crown of *France*; because it was no more than what the Cartel, or Articles of Neutrality did expressly permit; and that his Highness was neither actually nor really oblig'd to the *French*, will, by a following Observation on the Sentence, in proper place appear very plain. *Observation, N^o.*

For Answer to the second Point alledg'd; it seems very strange that Capt. *Brome*, the principal Person in Command, was not consulted and join'd in the Promise, that his Officers and Seamen might have been acquainted therewith; for they went, No Purchase, no Pay; and, without their Consents, could not well be restrain'd from taking of Prizes in their view and power: There was no ground of Reason, or of Equity, to ask any Obligation from Capt. *Brome* and his Crew, because they only left the *Mary Rose*; with which Ship they had a little before taken the *Philip* and *Mary*, Embarking on her, being more proper for their design.

Contradictions in Matter of Fact.

That, the *Santa Barbara*, Capt. *Fougasse*, was not taken by the *Philip* and *Mary*, but by the *Peace Sloop*, is proved by the Depositions of the *French* Mariners, Transcribed in ———— *Appendix, N^o. 7.*

That, the *Virgin's Hope*, Capt. *Leoncé*, did not only give the first Attack, under *French* Colours and Passport, but never belong'd to that Nation, is clear from the Narrative, *Folio 6, &c.* — *Appendix, N^o.*

That, the *Bark Lady of Good Encounter*, Padrone *Turquon*, was Chac'd by a *Dutch* Ship, fled and surrendered by Election to the *English*; the *Dutch* pretending a Moiety in the Prize, seize and confiscate *William Plowman's* Effects on that score, is evident from the Narrative, *Fol. 8, & 9.*

Eleventh OBSERVATION.

The Grand Duke in express Terms passes this Sentence at the *Petitions in behalf of the French concerned*; and therefore he condemns *William Plowman* to restore the Value of the Prizes: If this matter were to be calculated by his Highness's Pretensions in the greatest Extent, the *French* were not concern'd in the *Virgin's Hope*, Capt. *Leoncé*, as by the precedent Observation is proved; so their Demand for restitution of that Article should have been rejected.

It's

It's humbly conceived his Highness can't show any Authority, or Example, for deciding of such Differences between the Subjects of Two Kings, in a declared War, much less for granting Reprisals on His Majesty's Interest to his Enemies. Numb. 15.

This Expression in the Sentence, with submission, plainly shows that the Great Duke was neither actually nor really engag'd to the *French*; for the following Reasons:

First, The particular *Frenchmen* concern'd in the Prizes, had no Title for demanding, nor Reason for expecting Restitution of what they had fairly lost by the Laws of War, unless his Highness had insured their Interest, or taken Charge of the same; which is so inconsistent with Sovereign Dignity, that it can't be imagin'd the Great Duke would have condescended to act such a part.

Second, The particular *French* Proprietors must then pretend to Restitution, in virtue of the *French* King's Authority interposed in their favour; and so the Cause devolves on his Christian Majesty: Now it seems strange, that he having Power to maintain his Superiority and Pretensions, should leave the Case to the arbitrary Decision of the Grand Duke; who, by being Bail, was in a manner party, and would never pass a Sentence which might be retorted on himself, to the prejudice of his interest.

Third, It may be presumed, That if the Great Duke had been Surety for the Indemnity of the *French*, His Christian Majesty would have done himself reason, chosen the most solvent Person, and have compelled his Highness to make immediate reparation, without taking an Assignment on the Person of an *Englishman* in Prison; if this had been done, the Proceedings of the Court of *Florence* might have been render'd in appearance more excusable.

But on very good Grounds, it may be presumed, the *French* would not have moved, had they not been assured of his Highness's partial Favour, and encourag'd by his Ministers, who wanted this pretence for persecuting the Prisoner.

And so much the rather would the *French* have kept silence, because they could not tax the *English* in general, nor *William Plover* in particular, with Breach of the Neutrality at *Livorno*; nor with any thing else in fitting out of Ships from that Port, but what had been before allow'd in a distinguishing and partial manner to the *French* themselves, viz.

Abstracted from a Journal at LIVORNO: Kept by the Officers of the Health-Office of that Port, 22d of October 1695.

The Ship *Saint Victor*, alias *the African*, Commanded by Capt. *John Baptist Pascone*, Cruizer belonging to *Marseille*, being at Anchor in this Road; where was likewise the *Russel-Frigat*, an *English* Merchantman, bound for *Gallipoly*; aboard of which Ship, Consul *Blackwell* went to give her Dispatches; about Nine of the Clock at Night she weigh'd Anchor, unfurled her Sails to proceed on her Voyage: This being discovered by the *French* Cruizer, he weighed Anchor, and set sail after her; upon which occasion the *English* Commander brought his Ship back to Anchor in the Road; a Minister of the Health-Office went off in a Boat to advertise the *Frenchmen* that they could not sail until 24 Hours after departure of the *English* Ship; signifying to them, That this was the Order of General *D.L. Borro*, Governor of *Livorno*: To which Captain *Pascone* replied, That he was to follow no Orders from any General or Officer;

Numb. 15. Officer ; only he acknowledged the *French* Consul, whose Directions he had followed.

This same Ship, Commanded by *Pascone*, being in Chace of some Barks in sight of the Port of *Livorno*, stranded at a place called *Val di Vetro*, was forced to throw his Guns in the Sea, and come back to this Port to refit, where he was assisted with Men and Boats to take up his Guns, careen his Ship, to do whatever was necessary, and allow'd to recruit and augment his Crew.

20th of *April* 1696, Arrived here two Long-Boats ; the *Padrons* whereof, with their *Tartans*, belonged to *Oneglia*, and were Laden with Corn from *Cornetto*, finding themselves within Musquet-Shot of *Seggio*, (a place near to *Livorno*) they spied two Ships at three Miles distance, who under *French* Colours gave them Chace, which forc'd them to run their *Tartans* on the Shoar, and to save themselves in their Long-Boats ; upon which occasion the Ships sent their Pinaces arm'd, took possession of the *Tartans* ; one whereof they carried off, the other being downright stranded, they pillaged, and then set fire to her ; notwithstanding the Duke's Guards of the Coast opposed, and fired their Musquets. The *French* persisted, and return'd a Volley of Small-shot ; these two Ships belonged to *Marseille*, and were Commanded by Capt. *Montausin*, and Capt. *Bremont*.

27th of *April* 1696, Arrived here a Brigantine of *Malta* from that place ; the *Padrone* reports, That in passing by *Castiglione* (a place near *Livorno*) he saw two *French* Cruizers close to the Shoar, Firing Cannons at some *Spanish* Barks, who were at Anchor under the Castle of *Castiglione*, whose Guns the *French* did not value ; at last by a violent Wind they were constrain'd to abandon their attempt, and were the Captains *Montausin* and *Bremont* above-mention'd.

These, *Montausin* and *Bremont*, after having Cruised sundry days at the very Entry of the Port of *Livorno*, infested the Coast, and insulted the Castles ; they came in with their Prizes to *Livorno*, were favourably received, suffered to careen and recruit with Men and Provisions.

Upon the same Journal of the Health-Office, are extant the following *Memorandums* ; and the Matter of Fact is notorious, and known by all persons Residing at *Livorno*.

That a private *French* Ship of War came to an Anchor in the Road of *Livorno*, and without Pratick sent his Boats armed to Press Men from the Fishing and Merchant *Tartans* ; likewise from Ships that came from the *Levant*, and afterwards by Violence took Men out of his Highness's general Magazine.

That Capt. *Girardin*, in a Ship of War from *Thoulon*, came and stayed three Days in the Road of *Livorno* ; from whence he departed, and stayed out on the Cruize a few Days ; in the Night he came to Anchor again ; but in the Morning, before opening of the Gates, discerning a Sign at the Light-house, and some Vessels approaching, he set Sail to encounter them ; but finding they were *Venetians* and Neuters, suffered them to pass ; had they been *English*, *Dutch*, or *Spaniards*, they could not have shunned a surprizal.

That a private *French* Ship of War, called the *Royal Frigate*, being in easy Weather under Sail, close to the Light-house, under Command of the Guns ; when a sign was put out, would not return to Anchor, but went and examined the approaching Ship, which proved a *Livornese*, Commanded by Capt. *Balbani* ; she being of a *Dutch* Fabrick, made the *French* at first eager, and bold in trespassing the Cartel.

That

That a private *French* Ship of War, Commanded by the Chevalier *Numb. 15.*
de Magliar, near to *L'Antigniano*, Bordering on the *Lassaretto* of *Livorno*, seized a Bark of *Messina*, Laden with Corn, &c. and brought the Prize into Port.

That a *French* Bark and Cruizer, near to *Vada*, and at an inconsiderable distance from *Livorno*, took a *Trapanese* Bark just at her departure from this Port, and brought her in thither a Prize.

That Two *French* Felugons, armed in War, in a minute after departure from *Livorno*, before they pass'd *L'Antigniano*, attacked some Barks that were making into Port; in their defence the Castle of *L'Antigniano* fired Guns, to which the *French* repli'd with their Peteraro's.

That the *John* Galley was taken by a *Frenchman* of War in sight of the Port of *Livorno*, and received no Assistance.

That the Bark of *Padrone Bonfort* coming from *Marseilles*, had been Chaced for a day at Sea by a *Majorkin* Cruizer, all the while *Bonfort* made his way for the Port of *Livorno*; but being cut off, he run his Bark a-shore at a considerable distance, out of reach of Guns from the place; yet *Tartans*, with Soldiers and Granadiers from the Cittadel, Boats and Seamen from the Mould, were sent to the Assistance of the *French*, and the Gates of the City, contrary to Custom, kept open for satisfaction of the *French* Consul, in order to send a greater Reinforcement to *Bonfort*, if need had required it. Such a distinguishing Care was taken of the *French* Interest in this Bark, that upon an ill-grounded Information given by their Consul against Capt. *Brome* in the *Mary Rose*, then in the Road of *Livorno*, for having sent his Boat to the Assistance of the *Majorkin*, the Governor sent his Adjutant to the House of the Complainants, to whom this *English* Ship was recommended, to acquaint them, That if the *French* Bark was taken, they should be liable to Restitution; and notwithstanding the Complainants demonstrated, that Capt. *Brome* would not violate the Rules of the Port, nor expose his Men where they could have no share in the Purchase, because the *Majorkin* would never bring the *French* Bark into *Livorno*; yet the Governor persisted to support the *French* Pretensions, and fearing the bad Consequence thereof, tho' it was about Ten a Clock, and a dark Night, the Complainants desired the Governor to send his Adjutant and a *Frenchman* along with them to Capt. *Brome's* Ship in the Road, and to the *French* Bark, to discover the Truth of this Information, which was granted; and it was found that Capt *Brome* and his Crew were a-board Ship with the Long-boat and Pinace, hoisted in the Tackles; That the *Majorkin* had no Assistance nor Boat out, only lay at convenient distance firing Guns; That all the Boats there were *French* and *Italians*; That some of the former had gone without Pratick, tho' suspected of Infection, had, without Permission, mix'd with the others; which, according to the Rules of the Health-Offices (maintain'd with Rigor in *Italy*) is Death; yet no notice was taken of the matter at *Livorno*, much less of the false Information against the *English*; but to save a *French* Bark, and please a clamorous Consul, the Duke's Ministers hazarded the Health of his State.

That *French* Ships, Barks and Felugons armed in War, and on the Cruize, have daily put into the Port of *Livorno*, and there recruited with Men and Provisions.

That, during the late War, Men have been publicly levied and embarked at *Livorno* for the Service of *France*.

Q

That

Numb. 15.

That the like Privilege was absolutely denied to Consul *Burrows*, who for *His Majesty's* Service in *Piedmont*, desired it by Order of my Lord *Galloway*.

The greatest part of these Passages have been complain'd of by Sir *Lambert Blackwell*, in a Memorial to the Great Duke, when Sir *Charles Hedges's* Report was imparted, and had alarm'd People in *Italy*; but his Highness was satisfi'd to cause his Ministers to hurry the Prisoner out of a Dungeon, and his Effects into *Frenchmen's* Pockets, and never thought of excusing or vindicating the manifest Breaches of Neutrality in other Points.

Twelfth OBSERVATION.

The Great Duke passes the Sentence at Petitions in behalf of the *French* concern'd, in the said Vessels and Ladings for *Reparation of Damages by them suffer'd*, by reason of these Depredations.

By the Great Duke's Narrative, and the fairest interpretation of his Words, in the utmost Limit of his S. H's. late Pretensions, *William Plowman* was to repair all the Damages which the *French* concerned in these Prizes had sustain'd, and was not oblig'd for any thing further.

According to the Common Course of Equity, the *French* ought to have proved their Title to the Ships and Effects, for which they pretended Restitution; but the Grand Duke was pleased to give them a Dispensation from all requisite Formalities, granting more than they could ask, as if his Highness had been afraid of falling short in demonstrating his Complacence, Favour, and Partiality towards them.

The Great Duke condemns *William Plowman* to the Restitution of the Ship *Virgin's Hope*, and her Cargo; which Ship did never belong to the *French*, but contrary to his Christian Majesty's Edicts concerning Navigation, the Commander of this Ship, *Francis Leoncé*, a Native of *France*, had by surprizal obtain'd out of the Admiralty there a Passport; with which, and the *French* Colours, he served the *Venetians*, *Jews*, and *Levanteens*, entire Owners of the Ship, and Proprietors of the Cargo, to cover them and their Effects from the Insults of the Rovers of *Turky* and *Barbary*.

However, supposing that under the *Venetians*, *Jews*, and *Levanteens* Names the *French* had been concerned, yet, with submission, they could not pretend to the Restitution of Ship and Goods, or their entire Value from *William Plowman*, because the Adventure was insured in Foreign Parts, and particularly at *Venice*, where the Insurers (some whereof were *English*, had paid for their Subscriptions the Sum of One Thousand Seven Hundred forty and five Livres gross of *Venice*, which is 17450 Ducats, as appears by the following Attestations of the Insurance-Brokers, taken in authentick Form at *Venice*, Translated from the *Italian*; viz. *In Dei Aeterni Nomine, Amen*, and Year from the Incarnation of our Lord Jesus Christ 1698; Sixth Indiction, the 11th Day of *Feb.* according to the *Venetian* Stile, personally appeared before me Notary, and Witnesses underwritten, Messieurs *John Baptista Mariani*, for his Office of *Gio Mariani*, *Angelo Giusto* for his of *St. Giusto*, *Thomas Memmo* for that which formerly run *Palma* and *Memmo*; *Florio Antonio Bonomelli* for that of *Lettino* and *Bonomelli*; *Tho. Contin* and *John Baptista Damiani* for the proper Specialty; all Brokers for Insurance, and Negotiants in this place, willingly upon their Oaths attest,

That

That in their respective Offices, in the usual place of Insurance, at the *Rialto*, has been made the following Subscriptions upon the Body and Apparel of the Ship the *Hope Bonadventure*, Capt. *Francis Leoncé*, as well as on Goods and Money at *Cambio Maritimo*; and first,

With a Policy in July 1695, upon Return from *Sorria* and *Cyprus*.

By Messieurs Vita Sacchi	l. 30
Barbari	60
Isseppo Morani	20
Gasparo Doncher	50
Alessandro Bernardi	20
Gio. Antonio Bernardini	30
Francisco Merate	20
Jacob Franco D'Almeyda	20
Antonio Franco Motti, &c.	45
In all	l. 295

With another Policy 24 March 1696, return as above.

By Messieurs Da. Barruch Carvaglio	l. 50
Jacob Franco D'Almeyda	20
Messieurs Jos. and Abram Jessurun	20
Barberi	60
Marin Ghelohof	50
In all	200

With another Policy 18 July 1695. return from *Scanderoon*.

By Messieurs Isseppo Cagnaga	l. 30
Peter Columbi and Brethren	20
John Bap. Girardi	20
Peio Giorgio	10
Baldissera Littino	15
Mano Gandiri	10
Nicolo Paralacqua	30
Stefana Cigara	20
Gio. Ant. Bernardini	10
Christofero Lanza	10
Pietro Turbini	10
Michiel Periele	20
In all	205

With another Policy 1st October 1695. return as above.

By Agamar Armeno	40
Alessandro Pasquinelli	20
In all	60

With another Policy 27 March 1696. return from *Soria*.

By Baldissera Littino	l. 25
Giacinto Gallignan	10
Bertolo Sonpirio	20
Alessandro Pasquinelli	25
In all	80

Transported ————
l. 840

Numb. 15

Brought over ————— 840

With another Policy 10 Novemb. --95. return as above.

By *Messieurs Diamantin Buferi* ————— l. 20*Joseph de Solomen Franco* ————— 20*Peter Columbe and Brethren* ————— 10*Stefano Cigara* ————— 20*Mano Zandin* ————— 15*Illustrissimo Morelli* ————— 20

————— In all ————— 105

With another Policy 3d Septemb. --96. return aforesaid.

By *Francisco Bourgevis* ————— l. 15*Pietro Pisoni* ————— 10

————— In all ————— 25

With another Policy 29 Nov. 1695, from *Napole di Romania*
for *Soria*, and return from *Scanderoon* and *Cyprus*.By *Gasper Doncher* ————— l. 20*Florio Anto. Bonomelli* ————— 15*Gio M^a. Zuanelli* ————— 10*Tho. Williams* ————— 25*Marco Gandini* ————— 10*Illustrissimo Morelli* ————— 20

————— In all ————— 100

With another Policy just as above,

By *David Baruch Carvaglio* ————— l. 20*Antonio Maggioni* ————— 10*Valentin Nicoletti* ————— 10*Pietro Zini* ————— 10

————— In all ————— 50

With another Policy 26 Sept 1696. return from *Soria* and *Cyprus*.By *Giacomo Spin* ————— l. 15*Gio Bap^a. della Scala* ————— 10*Jof. and Abram Jessurun* ————— 10*Baldissera Littino* ————— 10*Antonio Taglia Piera* ————— 10*Florio Ant. Bonomelli* ————— 10*Thomas Williams* ————— 50*Gio Maria Zuanelli* ————— 15*Antonio Turtinoni* ————— 15*David Baruch Carvaglio* ————— 10

————— In all ————— 155

With another Policy 8 Jun. --96 return from *Cyprus*.By *Bernardin Statio* ————— l. 30*Tommaso Contin* ————— 30

And He for other mens Accounts. — 10

} In all ————— 70

Transported ————— 1345

APPENDIX.

61

Brought over ————— l. 1345 Numb. 15.

With another Policy 8 June 1696, Return from Cyprus.

By Da. Barruch Carvaglio —————	l. 40
Isseppo Morani —————	10
Antonio Franco Motti —————	20
Vurban Urbani —————	30
————— In all —————	100

With another Policy 29 Novemb. 1695. Return from Scanderoon and Cyprus.

By Florio Anto. Bonomelli —————	l. 15
Francesco Bourgeoi —————	25
Michiel Pericli —————	10
————— In all —————	50

With another Policy return from Sorria and Cyprus.

By Gio. de Gerolamo —————	l. 100
Gio Bap ^a . Damiani —————	15
Thomas Williams —————	35
Samuel Williams —————	15
Pietro Crisofida —————	15
And for others —————	20
————— In all —————	200

With one Policy more return from Scanderoon.

By Gaspar Doncher —————	l. 30
Alessandro Bernardi —————	20
————— In all —————	50

Venetian gros Livres insured ————— l. 1745

All which Deponents, in their proper Names, and in Names of those they represent respectively, affirm this to be of their certain knowledge, having confronted their Books of that time, in which were noted daily all the Insurances they did; for the truth whereof they have made the present Attestation, that it may serve, as need shall require, in all places, as well in Court as without, *In quorum, &c.*

Actum Venetiis in Scriptoria mea, presentibus Domino Antonio Sala, q. D. Nicolai & D. Paolo Seapin, Domini Francisci testibus Ego Michiel Venturinus Sub. Venet. Not. profide subscripsi & figillavi. *Locus Sigilli*

We William Le Blond, Consul of France at Venice, certify to whom it may belong, That Mr. Michael Venturini, who has sign'd on the other side, is a publick Notary in this City; to his Acts and Writings is given full and entire Faith in Court and without; in Testimony whereof, We have sign'd this present, and thereto affix'd the Royal Seal of the Consulat. Venice 14 February 1698.

Locus Sigilli ————— Sign'd, Le Blond.

So that, tho the French had been Originally concern'd in this Ship, as they were never, nor in any manner of way interest'd, yet they could not pretend to damage by this Ship and Cargo, seeing the Value had been insur'd and recover'd at Venice; by which means the first Adventurer was clear'd, and the Insurers underwent his Loss.

R

This

Numb. 15.

This matter was so clearly explain'd by *John Crookshanks*, and set in so true a Light before *M. De Pontchartraine* when the Affair was moved in *France*, that this Minister of State commanded the Chamber of Commerce, out of the Sums adjudged them by the Grand Duke's Sentence, to abate 63, 374, *French Livres*; which shows to what degree the Grand Duke had aggravated *William Plowman* in the Sentence.

Thirteenth OBSERVATION. Relating to Fol. 12.

The Great Duke is pleas'd to say, *It is our Will*, To this effect the said *Plowman* shall make good the damage: *Stat pro ratione voluntas*. This unfortunate Man and his Copartners must be sacrificed; the Royal Authority and Interest of *the King of England* disregarded, and the Privileges of Subjects suppress'd by a manifest Violation of the Laws of Nations, and a wresting of the Neutrality.

Fourteenth OBSERVATION. Relating to Fol. 12.

The Grand Duke affirms to have pass'd his Sentence *with full Cognizance of the Cause*; and the Actions happen'd. If his Serene Highness speaks of these Actions according to his apprehension in Cognizance of them, certainly in his Eyes they have carried a different aspect; for Right and Equity on the *English* side appeared unreasonable; and any pretence in behalf of the *French* look'd big and valuable; by a natural Consequence one party must be suppress'd, and the other supported.

If his Serene Highness restrains these words to the conveniency of his own Affairs, and the advantage of his Interest in that juncture, when the Grand Dutchess's Title to *Mademoiselle's* Estate in *France* was upon tryal; then the Cognizance he took of the present Case was to be regulated by the approval and satisfaction of the *French*; and herein concentrates all the methods which the Great Duke took in this matter.

If the Words and Declarations of his Serene Highness be as obligatory as those of a private Person; then it is humbly conceived, that a full and perfect cognizance of the Cause, and of the Actions which therein had happen'd, was absolutely requisite; without which, a Sentence could not be justly and legally denounc'd.

That the Grand Duke had not a perfect knowledge of the Cause, and Cognizance of the Actions which had happen'd, appears from the following Reasons the Complainants with great submission conceive incontestable.

First, Because Capt. *Leoncé*, under *French* Colours, gave the first attack, in Firing a Broadside, which brought the Topmast of the *Philip* and *Mary* by the Board; so that Capt. *Brome* in his proper defence was engaged to Fight.

Second, Because Capt. *Leoncé's* Ship and Cargo, as has been proved, did not belong to the *French*, tho' she was a lawful Prize to the *English*, by reason of her Colours, Passport, and the Insult she gave.

Thirdly, Because tho' this Ship and Cargo had belonged to the *French*, they were obliged to declare upon Oath the Insurances made in Foreign Parts, and recover'd; for they could not pretend to the Restitution of what had been already repaired to them, nor to any more than what they actually lost according to the Great Duke's terms.

Fourth,

Fourth, Because the Bark, the *Lady of Good Encounter*, was Chased by a *Dutch* Ship, as has been proved, and surrendered by Election to the *Philip* and *Mary*, the *Dutch* claim'd a Moiety in the Prize, and thereupon seize *William Plowman's* Effects; so that from him the *French* could not demand in reason nor in rigor more than their damage suffered by the *Philip* and *Mary*, being one half; for without her accidental appearance, the Bark had fallen a Prize entirely to the *Dutch*. Numb. 15.

Fifth, Because his Serene Highness was so far from pronouncing his Sentence upon full Cognizance of the Cause and Actions happen'd, as to an equitable decision, that he has over-ruled and smothered a very important and authentick Evidence, viz. The Depositions of the *French* Mariners, proving the *Sancta Barbara* was taken by the *Peace-Sloop*; for which Vessel, the Grand Duke never pretended *Will. Plowman* was oblig'd.

Fifteenth OBSERVATION. Relating to Fol. 12.

The Grand Duke says, That having heard the Report to us made by word of Mouth from Auditor *Peter Angeli*, one of the Auditors of this our Council of Favour and of Justice.

Altho' Seignior Auditor *Angeli* be a person of great Capacity and Integrity, inclinable to distribute Justice impartially in all Matters wherein State-policy is not concerned; yet being a Native of *Corfica*, holding his Charge at the Grand Duke's pleasure, and receiving his Appointment from his Serene Highness's Treasury; with what countenance must he compose himself before his Absolute Master, in touching on Points which he knew were ungrateful; as doubtless any Argument in defence of *William Plowman* would have been; nay, the repetition of his Words and Complaints from the Auditor would have been *Crimen Lesa Majestatis*; so the Prisoner's Reasons were lamely, and at best weakly supported, in matters wherein he durst exaggerate.

Sixteenth OBSERVATION. Relating to Fol. 12.

The Grand Duke says, By our Order Auditor *Angeli* has examined the matter.

In this Case the Auditor did not act with the Character of Judge, he only followed the Order of his absolute Master, whose Commands had the force of Sovereign Law, as by Sequel appears.

Seventeenth OBSERVATION.

The Grand Duke says, According to the terms of Reason, Auditor *Angeli* heard one and the other party, and viewed their Writings.

Here are two great Acts of Justice in appearance; if they had not been done according to the Terms of Reason; the standard whereof was his Serene Highness's Will and Pleasure.

As for hearing of the Parties, the Complainants humbly crave leave to explain the disparity of their Circumstances.

Monsieur *Darvieux*, who manag'd the *French* Interest, besides his proper Merit, had very powerful and pleasing Recommendations to the Court of *Florence*; was assisted in his Sollicitations by the *French* Envoy Extraordinary; had at pleasure Conversation with his Serene Highness, as well as with the Auditor, and weak Sense in his mouth would

Numb. 15. would have appeared Reason upon the Case in hand; he never was confronted with the Prisoner, nor saw him, until Sentence was passed, when by Compassion or by Curiosity, he condescended to enter the Dungeon.

On the other hand, *William Plowman* was under Bolts in a Dungeon, contumacious, and looked upon as a Criminal, guilty of the highest Offence against the Dignity of the Grand Duke, designed a Victim to Revenge; had he been possessed of the Eloquence of *Cicero* to plead his own Cause, his Arguments could not have had a fair Conveyance to Court, nor have found Acceptance there; could he have reach'd the Light to breathe his Complaints into the Street, with Noise of Drums they would have beat them back into his Throat, or dispersed them in the Air, so as to hinder their Impression on any curious Ear: This method is taken with all who would at the last gasp publish any thing in their defence, to the prejudice or disparagement of the Prince.

As to the Examination of Papers belonging to *William Plowman*, the Grand Duke's Ministers did that according to the Term of Reason; they seized them at *Rome*, kept them in possession, and he never could obtain the perusal of any, except such as Bills of Lading and Invoices, which were rendered subservient to *French* designs.

Eighteenth OBSERVATION. Relating to Fol. 12.

The Grand Duke is pleased to declare, That Auditor *Angeli* having taken from us a precedent Information: The Complainants with a profound Respect for the Dignity of his Serene Highness, forbear a just Reflection on these words; had he not publish'd them in his Sentence, he might have escaped the Censure which probably they may now occasion.

Nineteenth OBSERVATION. Relating to Fol. 12.

The Grand Duke declares, *We Arbitrate*. The Complainants humbly crave leave to say, That if the pretended Promise had been legal, by Course of Justice proven: That if the Circumstances in Matter of Fact had been clearly establish'd, the *French* had proved their just Title to the Ships in question: That if the Grand Duke had had full Cognizance of the Cause, and the Actions happened, his Highness needed not have arbitrated, but on the accounts of the *French* Proprietors, vouched by Proof and Oath, have specified their distinct Claims, and adjudg'd them the just Value. — *Their just Value*.

Twentieth OBSERVATION. Relating to Fol. 12.

The Grand Duke is pleased in these Terms to declare, which *Arbitrarily*, with the precedent Informations and Knowledge as above, *We Liquidate* to amount in all, and for all, to the Sum and Quantity of *Forty seven Thousand currant Dollars*.

His Serene Highness does here Arbitrarily condemn a Subject of *England*, interpreting his Allegiance to *the King*, and Love to his Native Country for Capital Crimes; and lest his Highness's Sentiments on the point should not be sufficiently intelligible, he plainly declares that he does it Arbitrarily.

For a signal proof of Favour to the *French*, the Grand Duke grants them more than they could fairly demand at the utmost Limit of their Pretensions; he Liquidates the Value of what is due to them in the
Sum

Sum of 47,000 Dollars of *Livorno*; and tho' the Great Duke's Pretences were allowed to be as valid as his Assertion can make them; yet it's evident, that his Serene Highness has aggravated *William Plowman* in the following Sums; viz.

Numb. 15.

For the <i>Santa Barbara</i> , which was not taken by the <i>Philip</i>	
and <i>Mary</i> , but by the <i>Peace Sloop</i> —————	Doll. 10,000
For the <i>Virgin's Hope</i> , which did not belong to the <i>French</i> —	20,000
For one half of the Bark of <i>Turcon</i> , the <i>Dutch</i> pretending	
to the other Moiety of this Prize —————	8,500
	<hr/>
	Doll. 38,500

Which at 5 s. *Sterl.* to a Dollar, is Nine Thousand Six Hundred and Twenty five Pounds *Sterl.* Aggravation in the Liquidation, 1.9625 *Sterl.* Had his Highness in the first Instance done Justice upon this Point, *William Plowman* might have easily purchased his Freedom from Chains, and the House of *Rigby, Shepard, and Company*, would not have remained under the disadvantage of Oppression.

His Serene Highness brings the *French* to Certainty of what they are to expect by a Sum precise, Doll. 47,000; but *William Plowman's* Rights and Reasons against them are left in Obscurity, and under such Incumbrances as were impossible for the Prisoner to entertain the hopes of clearing them: And thus the Great Duke, while he manages the *English* Interest, he runs without Reserve, in a rapid Motion; but when he comes to do them Justice against the *French*, he changes his Stile, and acts as if his Courage and Spirits were spent, as by the following Observations on the Sentence will, with great Submission, plainly appear.

Twenty-first OBSERVATION. Relating to Fol. 12.

The Grand Duke declares, That upon payment of 47,000 Dollars, he frees the said *Plowman* upon this Head. This Expression is very remarkable, and will show his Serene Highness was influenced from the beginning, and design'd to destroy *William Plowman*; and that tho' the Sentence in the first Moment it was pronounced, had been complied with to the satisfaction of the *French*; yet the Great Duke had a farther Punishment in reserve for the Prisoner, because upon payment of the Money he was only freed upon that Head of the pretended Debt; and had not the *King* graciously and seasonably interposed his Royal Authority, the Grand Duke would not have restrained himself to this ambiguous Reserve, but would have shewn a Resentment fatal to the Person, Family, and Friends of the Prisoner.

To discover His Majesty's Sentiments, and the Disposition of the Nation, in a short time after *William Plowman's* Imprisonment, a Stratagem was made use of at *Florence*; it was industriously divulged that the Prisoner was beheaded; the Time, Place in the Prison, and all other Circumstances were represented; Persons who pretended to be Witnesses of the Execution, affirmed it for a Truth; the News was expeditiously convey'd to *England*. When a Gentleman employ'd by the Grand Duke found his Grace the Duke of *Shrewbury* alarm'd at the Report of such Violence committed against an *English* Subject; and that his Grace, as a vigilant and wise Minister of State, took particular Notice of the Case; then an Express was sent to the Grand Duke, advising him the Inconveniency and Reproach that would follow the shedding of *English* Blood; so the Prisoner was saved from Death.

Numb. 15.

Twenty-second OBSERVATION. Relating to Fol. 12.

The Grand Duke in his Sentence declares in terms as partially express'd, as it was possible to conceive them, in favour of the *French*, that in satisfaction, and in part of the said Sum of Forty-seven Thousand Dollars, ought to be imputed, as we ordain to be imputed, the Right which the said Plowman has against Capt. *Leoncé*, and other *French* Merchants, to whom he released the said Ship.

The *Virgin's Hope*, and part of her Cargo for Bills sequestred at *Venice*.
(The Sum whereof is not specified in the Sentence, but is—Doll. 6600)
As also his Rights against *Patron Turquon*, to whom was releas'd the Bark, call'd *The Lady of Good Encounter*, and part of her Lading.
(The Value is not mention'd in the Sentence, but imports— 4000)

Doll. 10600

These two Vessels, the *Virgin's Hope*, and *Lady of Good Encounter*, with part of their Cargoes, were ransom'd by the *French* for the Sum of 10,600 Dollars. All Contracts of this nature, during the late War, have been by all Parties duly perform'd, or esteem'd obligatory; and the Grand Duke is the first Sovereign Prince who has countenanced the Breach of an Agreement of this nature, or render'd it invalid by Sentence; His Serene Highness's Pretensions in their full Extent, require only the Restitution of what was taken by the Ship *Philip* and *Mary*; and, with submission, according to the Rules of Equity, the above Sum of 10,600 Dollars value of what was render'd to the *French*, should have been deducted from their demand, and the Prisoner have been only condemn'd for the remainder, supposing his Highness's pretences were assisted with Reason and Equity.

In management of this matter, the Grand Duke's design is palpable; to please the *French*, he runs to a rigorous Extremity against the *English*, judging his Procedure superior to their Examination, otherwise he would have look'd on their Case and Concerns with more circumspection and complacence: For if *William Plowman* by an Arbitrary Sentence must not only abandon, but resign his Reasons and Right to the 10,600 Dollars value of Ransoms above specified; it's humbly conceived, that by a clear consequence, the Prizes in question were taken with a lawful and just Title: The Terms of the Sentence seem to imply thus much; Whatever Gloss the Grand Duke's Ministers may intend for them, no Argument can be brought or supported for covering or reconciling the Contradictions in fact, pretences and proceedings, so as they shall not be discover'd by an impartial and penetrating Eye; the strength and character of Truth are its proper Force; it's divine because always the same; and if *William Plowman* had a Right to these Ransoms, the disposing him thereof was violent.

And farther the Rights competent to the said *William Plowman* upon a parcel of Coffee, for his proper Account sent to *Victor de St. Amand* of *Marseilles*.

The Value is not specified in the Sentence, but amounts to—17000

Doll. 27600

In the Ransoms *William Plowman* by the Sentence is condemn'd to a Right of Spoiling *His Majesty*; to whom by the Laws of Nations and Acts of Parliament, these Prizes of Right did belong, until by Sentence in the High Court of Admiralty they were adjudged to the Captor and Proprietors; and when *the King's Right is violated*, the Subject cannot expect an exemption. The Article of Coffee explains this evidently; for the Grand Duke and his Ministers knew very well, after a narrow search into the matter, that all the Ships employed in the Expedition, and the Cargo for purchasing of Coffee, were dispatch'd at the Expence of the House of *Rigby, Shephard and Company, of Livorno*; that the Effects in the *Levant* belonged to them, and by consequence this parcel of Coffee must have been procured either with their Effects or Credit, if on this Consideration the word *Competent* had been employ'd and design'd, the Grand Duke and his Ministers in so much would have shown a regard to Equity; their design run so much on a contrary Strain, that notwithstanding the Indices and Convictions they had of the Effects and Credit by the foresaid House committed to *William Plowman's* Trust; and that from hence Returns for *Europe*, had their Origine, as clearly as the River proceeds from its Source; yet the Sentence declares them for his proper Account; and this equivocating Term *Competent*, was only a Reserve in favour of the *French*; the Coffee being seized at *Marseilles*, and at first instance by the Intendant of *Provence* was confiscated to his Christian Majesty; and to Goods in his power, as an exasperated Enemy, it was impossible a competent Right could be shown or vindicated by *William Plowman*, a Prisoner in a Dungeon. And this Expression in the Sentence cannot be easily rendered with the Force and Reserve of the Original Idiom. By this Observation it appears, that the Grand Duke left absolutely to the discretion of the *French*. ————— Doll. 27600

Twenty-third OBSERVATION. Relating to Fol. 12.

The following Clauses in the Grand Duke's Sentence are not less partial, in declaring, *which Rights* we say the said *Plowman* is held and obliged to yield and transfer in good and valid Form, with the necessary and opportune Clauses, in favour of the said interest'd in the Prizes; His Serene Highness means the *French*, who with submission could not now be called the interest'd in the Prizes; and if the Respect which is due to the Subscription of a Sovereign Prince did not require a modest Observation of these Terms, they might be looked upon as the Form or Dictate of an over-reaching Scrivener. But taking no further liberty in the matter than what is allowable to the injured, in Complaints to ease their Minds; these were great Hardships placed upon a Prisoner in a Dungeon, considering the Power and Hatred of the Party to whom he was by the Grand Duke assigned.

Twenty-fourth OBSERVATION. Relating to Fol. 12.

Thus the Grand Duke proceeds in the Sentence; And for the remainder to the full import of the said Forty seven thousand Dollars, we say the said *William Plowman* is held and obliged to compleat, either by Restitution of the effects taken, or in so much Ready-money.

Numb. 15.

It has been already explained in the Observation, N^o. 20. That the Grand Duke brings the *French* to a Certainty in their demands against *William Plowman*, but does not Liquidate the value of what they ransomed by Obligations to pay the Sum agreed upon. If any Excuse can be alledged for the proceeding of his Serene Highness in this point, the Complainants do humbly suppose, he would not value what had been render'd to the *French* at the rate of their Agreement and Obligations for the same; knowing that in such Cases the Loser commonly is allowed the advantage in the bargain; and so would not debar *William Plowman* from insisting on the deduction of the real value of what had been restored to the *French*, at the rate of their demand made by the Chamber of Commerce for the same: Otherwise the Grand Duke was afraid to disgust the *French*, in showing that they had made a great Noise for a small matter, by reducing their pretences to true bounds, in deducting what was rendered them, and what they had no reason to demand.

Twenty-fifth OBSERVATION. Relating to Fol. 12.

In the Sequel of the Sentence thus the Grand Duke goes on, *viz.*

We Will, that our aforesaid Auditor *Peter Angeli* give the Necessary and opportune Orders for Execution of the Premises by way of those Tribunals which shall be most proper, always, and as often as need shall require against the Effects, Goods, and Credits of the said *William Plowman*; and until the said Interessed be entirely paid the whole Sum of Forty seven Thousand Dollars.

If Justice be truly represented with Eyes blinded, Auditor *Angeli* in this Case was an improper Judge; because before the Sentence was reduced into the Form it has appeared in publick, he had from his Absolute Master taken a precedent Information; the meaning whereof is obvious, and therefore lest any Tribunal hereafter should in discussion of any incident, mistake the point, Auditor *Angeli* must prescribe the Methods, give the necessary and opportune Orders to Tribunals, which shall be most proper; and lest his Memory should fail him, the Sentence restricts the Execution of Orders to the Effects, Goods, and Credits of *William Plowman*; which were great Hardships placed on a Prisoner in a Dungeon, to the prejudice of the *English* his Creditors concerned, who had an anterior, clear and indisputable Right to his Effects, before the Pretensions started by the *French* and Great Duke were dreamed of.

Twenty-sixth OBSERVATION. Relating to Fol. 12.

William Plowman is condemned in favour of the *French* upon the Grand Duke's proper Evidence; had he used the Authority of a Sovereign Prince, in execution of the Sentence, without distinction of persons, he would have obliged the *French* to stand to his determination, seeing they had left the matter to his Sovereign and Arbitrary decision, or else upon their failure he would have condemned them with the same Resentment, and have constrained them with the same rigour which he has used against *William Plowman*; for their contradiction of his Sentence, if duly weighed, will appear a greater Affront to his Dignity, than *William Plowman*'s misinterpretation of a pretended, private, and invalid Promise.

The

The *French* never would allow any of the forementioned Rights *Numb. 15.* of *William Plowman*, denoted in the Sentence, and amounting to 27, 600 Dollars; nor could the Grand Duke be prevailed upon to exert his Authority in the matter; which lays open his Sentiments and Intentions in the concluding Clause of his Sentence; *viz.*

Reserving to our selves, in case any difficulty should arise about the foresaid Renunciations or Cessions, or the Import thereof; *the faculty to decide* and terminate them; and thereupon *to make all and such Declarations* as we shall judge necessary, all, &c. notwithstanding.

These Reserves and ambiguous Expressions were, no doubt, intended for a *Salvo* with his Christian Majesty; his Subjects only had occasion or liberty to raise a difficulty about the foresaid Renunciations and Cessions of 27, 600 Dollars. This Consideration moves the Grand Duke modestly to vail his Sovereign Authority, and to reserve only a Faculty to decide and make further Declarations, such as he should judge necessary, with respect to the power of *France*, and without any regard to the just Authority of *England*; as he has been pleased since to declare in his *French* Memorial to the *King* on this point; which is so far from being an Argument to support his Sentence, that it was a tacit Confession of his Complaisance and Partiality to the *French*, if a Prince's words will admit of a natural and common Interpretation.

Twenty-seventh OBSERVATION. Relating to Fol. 12.

Justice and Truth require a plain and easy Stile. Laws made for the good of Mankind, and decision of Right between them, are never express'd in doubtful Terms, with dark Reserves, which are the natural Productions of Partiality and Prevention, such as with submission is evident in the Sentence of his Serene Highness; his Sovereign Will may in *Toscanny* support a Decree of this nature, but can never authorize his Encroachments on the Prerogative of the *King of England*, and the Privileges of his Subjects.

Twenty-eighth OBSERVATION. Relating to Fol. 13.

It appears by the Attestation of the Abbot *Benedictus Quaratesi*, Brother to the Treasurer *Quaratesi*, and one of the Grand Duke's Secretaries of State, that the Sentence was given in his Serene Highness's Chamber, The 28th day of Sept. 1697: but by the subsequent Attestation of the Abbot *Carlo Antonio Gondi*, Secretary of State for the *French* Affairs, that the said Sentence was not divulged until the 9th of Octob. 1697; nor before then, the Copy thereof intended to be delivered unto *William Plowman*.

The respect that's due to the Grand Duke does not allow the severest Interpretation which such actions in particular men would admit of; but it is certain, and sufficiently known, that in this Interval the Treaty of Peace at *Ryswick* was published in *Italy*; the consequence whereof is palpable, and his Christian Majesty's Resolution concerning the Coffee sequestred at *Marseilles*, was discovered; and so *William Plowman* must show a competent Right thereto.

OBSERVATION on Seignior Abbot Gondi's Letter to
Monsieur Dupuy the French Envoy; Transcribed in Folio 21.

IT was contrived after delivery of His Majesty's Gracious Letter to the Grand Duke, demanding the Enlargement of the Prisoner, Restitution of his Effects, Reparation of his Damages, and complaining of the Injuries which his other Subjects suffered by seizure of their Effects.

T

Now

Numb. 15.

Now the Grand Duke's Ministers seem'd capable of some remorse, and willing to contrive some means for the satisfaction of *England*; knowing, That if the *King* were once sensible of their Proceedings, he would vindicate his Prerogative, and defend his Subjects; and therefore they tell the *French* Envoy some Reasons, which before they were willing to conceal; and if compar'd with their Management in the Conclusion of the Affair, will plainly demonstrate that these Ministers have acted contrary to Equity, Reason, and their proper Light; and that they have always contrived Reserves for an intended Evasion, because their Propositions are not express'd in fair and candid Terms.

The Abbot *Gondy* says, "The Money drawn from the Sale of the Merchandize of *William Plowman*, which at present is in the possession of Seignior *Teriesi*.

Whereas the Abbot knew very well that this Money was Proceeds of 49 Bales of Goods, deposited by *Rigby, Shepard* and Company, upon express Condition of *William Plowman's* Liberty; of 68 Bales of Cotton Yarn belonging to Messieurs *Vernon*; and of several other Goods at *Naples*, whereon Capt. *John Brome* had laid an Attachment, pretending to justify his Interest and Claim. "Shall be deposited in the hands of Monsieur *Soufine*, not to be by him paid to any person, except Juridically and by Sentence in the Tribunal of *Livorno*; after that the idemptity of the Creditors shall be there verify'd and justified, that to them there are none Anterior, who may oppose, by having Right to these Effects.

These Terms plainly shew the Truth of the foregoing Assertion; and that the Grand Duke's Ministers very well knew the Rights which the *English* Subjects had to these Effects deposited, for justifying their Title, and anterior to the *French* Pretensions.

"This is the ordinary Course of Justice, which requires us to contain our selves in this Form, that the payment of the Money be made legally.

If he who knows his Supreme Master's will, and does it not, shall be beat with double stripes; the Reverend Abbot *Gondy*, who by a double Character was in Honour and Conscience engag'd to do Justice, deserves a weighty Punishment, in preaching up Justice, with intention to elude the same: For tho' the ordinary Course of Justice required the Court of *Florence* to see these Matters legally and in due form discussed, yet they would never consent to a free Course of Justice. And the Complainants humbly conceive, That they have not censured the Abbot *Gondy*, nor accused him of any matter, wherein his own Words and Actions do not convict him. This Letter being compared with the *French* Memorial which he modelled, their Terms and Intent are so contradictory, that the Reconciliation of them is beyond his power.

"In conformity hereof, Seignior *Teriesi* shall explain himself with Monsieur *Soufine*, from whom he shall exact an Obligation not to contravene, and to remain Surety for the Money whereof he shall be *Depositaire*.

The Complainants and other *English* Subjects are spoil'd of their Effects, which are arbitrarily put into the hands of a *Frenchman*, upon an Obligation which was not, nor could not be of any use to them, being put into the hands of Seignior *Proveditor Teriesi*, which was actually in possession of the Grand Duke; so that the Complainants could not in virtue thereof have recourse to Justice, when need required, nor force his Highness to assist them; so they could only hope for Relief from the Court of *Florence*.

"To pay no part thereof, but in that manner which shall be to him prescribed by the ordinary Judge of *Livorno*.

The

The Court of *Florence* were so far from minding this Proposition, *Numb. 15.* that all the Money was in a clandestine manner conveyed into the *French* Consul's hands (hereafter is apparent) by the Contrivances of the Treasurer Seignior *Carlo Quaratesi*, with whom the submissive Endeavours of the Complainants, to divert him from the Accomplishment of their Ruin, have been as ineffectual, as the Attempts of a Child would be to draw a Lion by the Whiskers from his Prey.

Nº. 16. ————— Relating to — Fol. 16.

The C A S E of the John Galley :

Which Ship was violently taken from the Complainants, and other *English* Merchants, by Persons countenanced and assisted by the Grand Duke's Ministers in this unaccountable Enterprize.

In the beginning of the Year 1697, Sir *John Buckworth*, Mr. *Leonard Wessel*, Mr. *Gabriel Roberts*, with other considerable Merchants, built and fitted out from *London* the *John Galley*, carrying 24 Guns, and 100 Men, Commanded by *Nicholas Reggio*; who having a Letter of Mart, was by these Gentlemen ordered to Cruize some Months in the *Mediterranean* Seas, and to carry what Prizes he might take, into the Port of *Livorno*, recommending him there to the Assistance and Direction of the Complainants; part Owners of the said Galley, who were to dispatch her for *Scanderoon*, there to lade for *London*.

Capt. *Reggio* having Cruiz'd some Months without success, came into *Livorno*, where the Complainants communicated to him the Directions given them by the other Owners, and desired him to proceed for *Scanderoon*.

Capt. *Reggio* did not only refuse Compliance, but threatened to take up Money at *Cambio Maritimo*, and by other illegal ways to supply himself in *Livorno*, for fitting out the Ship in another Cruise.

Upon this Incident, the House of *Rigby, Shephard, and Company*, desired Mr. *Burrows*, the *English* Consul at *Livorno*, to accompany them in a Complaint to the Governor of that Place, for obtaining Orders to sequester Capt. *Reggio*, to prevent the Loss which they had reason to fear would follow his Disobedience to the Commands of his Owners.

The Governor upon hearing of the Complaint, found it so rational and just, that he gave immediately Orders for the Imprisonment of Capt. *Reggio*; and accordingly he was secured.

Then Capt. *Reggio* applied himself to *Alexander Louis Catelani*, the famous Pettifogger in *Livorno*, the greatest Confident and most intimate Acquaintance of Seignior *Quaratesi*, while he was in the Bank of *Guadagni*, then employed by him in all intricate Cases; so that the one expected Preferment from the Advancement of the other, and Access to Court by Interest of the New Treasurer, as has been since in effect apparent.

This *Catelani* called to his Assistance one *John Horsey* of *Livorno*, a sworn Confederate (to his irreparable Ruin, and eternal Shame;) they made an Agreement with Capt. *Reggio* for a Share in all Prizes he should take, and obliged themselves to procure his Liberty, and to assist him in fitting out the Ship for a Cruise, in spite of all Opposition.

The Matter being thus concerted, *Catelani* and *Horsey* made their Application to the Treasurer Seignior *Carlo Quaratesi*; and by his Advice and Means they not only got Capt. *Reggio* out of Prison, but impudently

Numb. 16. dently, and with avowed Violence they forced the Ship away from the Proprietors; engaged Seamen publicly on the place, and openly took up Money at *Bottomary*, or *Cambio Maritimo* from the *Italians*, notwithstanding the Opposition and Protest made by the House of *Rigby, Shepard*, and Company, against these illegal and violent Proceedings.

With the Treasurer's Countenance, Counsel and Assistance, it was easy for these Undertakers to accomplish this fordid and detestable contrivance; but for a plausible pretence, they plead that Capt. *Reggio* Commanded an *English* Ship with the *King of England's* Commission, so could not be detained a Prisoner. The Governor by this and other subtil Insinuations, was prevailed on to favour *Reggio*, and his Accomplices.

If *William Plowman* and the House had been allowed to alledge the same reason upon account of Capt. *Brome* in the *Philip* and *Mary*, they would not have been involved into such Difficulties, nor reduced to such Extremities as they have since undergone.

Thus Capt. *Reggio* carried out the *John* Galley, and in a few days came back again to Port with a *French* Prize laden with Coffee and other Goods from *Alexandria*, to the value of Fourteen Thousand Dollars.

When the Goods of this Prize were Landed in the *Lazaretto* (which is the Grand Duke's publick Magazine for Merchandizes of the *Levant*, and other Countries usually infected with the Plague) the Complainants did in their own, as well as in the name and behalf of the other Owners, endeavour to make an Attachment; and after the most pressing manner did solicit the Grand Duke and his Ministers for Justice; but so prevalently were the Contrivances of *Horsey* and *Catelani* supported by the Treasurer Seignior *Quaratesi*, that all the satisfaction which the Complainants could obtain from the Governor and Officers of the *Lazaretto*, was this cold Answer, That all Goods in that place were exempted from Attachments and Seizure; That his Highness would not do any thing derogatory from the Privileges of the *Lazaretto*, nor embroil himself by taking cognizance of a Case, wherein the King of *England* and his Christian Majesty were principally concerned.

Matters being thus carried, *Catelani*, *Horsey* and *Reggio* did not only rob the Complainants, and other *English* Merchants of their Interest in the Prize, but did also violently take from them the *John* Galley.

Notwithstanding the interested in *England* had given repeated Orders for her Voyage to *Scanderoon* had advised the House, that *Reggio's* Commission was revoked, and authorized them to turn him out of the Command; yet he and his Accomplices did in an insulting manner fit out the said Galley a second time to Sea; and in a few days after her departure, she was in sight of the Port of *Livorno*, taken by a *French* Ship of War.

To this Misfortune the House of *Rigby, Shepard* and Company, were Spectators; and by how much the more this Accident was grievous to them, it was in the greater degree grateful to Seignior *Quaratesi* the new Treasurer, who published his satisfaction thereat, in telling Consul *Burrows* that this was an unfortunate and fatal Blow to the House; knowing very well, that this Galley and her Prize imported Thirty Thousand Dollars, which in *English* Money is Seven Thousand Five Hundred Pounds *Sterling*; viz

The Cost and Outset of the Ship from *England* amounted to—*l.* 4000
The Prize was worth 14000 Dollars, at .5 s. per Dollar ———— 3500

To be included in the Article of Damage ———— *l.* 7500

This

This manifest and revengeful Oppression was not only in the present Effect grievous, but also in the Consequences fatal to the Complainants; for their Friends and Correspondents in *England* henceforward had reason to look on them as persons unfit to be trusted, seeing they could not procure Justice in so clear a Cause; and that the success of *Catelani* and *Horsley* might encourage the meanest of Villains to insult the Complainants, with assurance of Protection from Signior *Quaratesi*, who, to gratify his private Revenge, and to promote his particular Interest, would endeavour on all occasions to influence the Grand Duke to their prejudice.

When the *French* Envoy received sufficient Informations of *Catelani*'s sinister practices, and of his being a Subject to the Grand Duke; in the Name of the *French* King satisfaction was demanded from his Serene Highness.

Now the Grand Duke judges the Case altered; and to satisfy the *French*, immediately commands, that not only *Catelani*, but one Signior *Aquila*, who had advanced Money at *Cambio Maritimo*, should be imprisoned, and would have carried the Punishment to their entire Ruin, had he not been influenced and moderated, by the subtil and politick Address of Signior *Quaratesi*, the publick and avowed Protector of *Catelani*.

This base Man, by the Assistance of such a powerful Friend at Court, in a very short time obtained his Liberty; and the *French* were prevailed upon to remain satisfied with the Grand Duke's readiness to gratify them, and with the Confinement of *Catelani* to *Livorno* for a Prison; which Sentence was also in a short time Reversed.

If *Reggio* and *Catelani*'s Cruize against the *French* was excusable, the Enterprize of Capt. *Brome* and *William Plowman* may be justified; and Signior *Carlo Quaratesi*'s Malice propense in oppressing the Complainants, will appear.

For this Minister has industriously improved every Occasion to the detriment of the Complainants, by assisting the Enemy to spoil them, and his own Countrymen (or any other who was disposed) to rob them: With such Violence has he been carried in his desires and designs for the Ruin of the House in general, and of *William Plowman* in particular; that to accomplish the same, he has not valued the Expence of his Master's Honour; and it will not seem strange that he has nourish'd Envy, and sought to satiate his Revenge, considering the Affront he conceived had been done to him; viz.

About 10 years ago Sir *Alexander Rigby* receiv'd a Letter from Signior *Quaratesi*, wherein he offer'd to leave his Padrone the Marquis *Guadagni*, and to set up a House of Commerce at *Livorno*, in Company with Sir *Alexander Rigby*, soliciting him to throw off his former Partner (now) Sir *Lambert Blackwell*. These Propositions being rejected, the present Treasurer's disgust was enflamed; when he saw *William Plowman*, who had been a Fellow-servant in the House of Signior *Guadagni*, received into a Partnership from which he had been excluded.

This matter has been kept private, and should still remain a Secret, if the absolute Necessity of displaying Signior *Quaratesi*'s Resentment from its Origine did not require this discovery; without which, his Advancement and present Character might induce most Men to believe, that a person in his Circumstances is incapable of the Actions in this Case laid to his Charge.

Numb. 17. N^o. 17. ————— Relating to Fol. 17.

Account of 20600 Dollars, of Debts and Dependences at *Livorno*,
Which the Complainants offered to Assign to the Grand Duke for
his Indempnity in the Enlargement of *William Plowman*.

They offered to Assign their Claim against one *Joseph Cavazza*, a Merchant of *Calari* in *Sardinia*, for the *Winchester* Galley, by him fraudulently purchased, and illegally detained. The Judge before whom the Cause was depending, having assured the Grand Duke's Ministers, that the Complainants had a clear and undoubted Right to the same; his Serene Highness knew it very well; for in his Chamber and Presence the Cause in the first Instance was discussed by the Fiscal, and other Auditors of the *Consulta*; where, of these Four Judges, Three of them voted, that the Complainants had sufficiently proved the Dominion and Identity of this Galley by them sequestred; in consequence whereof, they were authorized to prosecute their Action; and in virtue of a subsequent Decree of the Court, they obtained the Obligation of one Seignior *Aquila*, a responsible Man at *Livorno*, as Surety for answering and paying the Value of the said Galley, with all Expences and Damages that should be adjudged by a final Sentence of the *Rota* at *Florence*. So that without mentioning the emergent Damages, and ceasing Profits, to be calculated and inserted in the Article of Damages, the Value of this Vessel, and Expence of the Complainants about her, by a moderate Calculation, amounted to ————— Doll. 10000

The Complainants offer'd to assign one Seignior *Attias*, a Merchant at *Livorno*, and his Obligations for Money due to them upon account of their Principals in *England* for a large Sum, which in the hands of the Grand Duke would have been secure, by Reason of the Houses and Possessions the said *Attias* had in *Livorno*; but until Accounts should be Liquidated between him and the Complainants, they only reckoned ————— 8000

The Complainants further propos'd to make over a Policy of Insurance on the Ship *Tunizeen*, Capt. *William Arthur*, who had been taken by the *French*; the Subscribers were all good Men, and Merchants in *Livorno*, for the Sum of ————— 1200

In like manner the Complainants offered to assign their Credit with *John Horsey* and Company; from whom they might have recovered payment long before, had not the Grand Duke, by the instigation of the Treasurer *Quaratesi*, (*Horsey's* intimate Acquaintance, and Abettor in the Affair of the *John* Galley) Commanded the Suspension of their Suit, upon proposal of an amicable Adjustment, by intermise of a worthy Gentleman Seignior *Teriesi*, late Resident in *England*; who, notwithstanding his desire was to do Justice, and to secure the Complainant's Right, was frustrated by the Contrivances of *Catelani* (in the Case already described) who under Seignior *Quaratesi* patroniz'd *Horsey's* litigious Evasions: However, at the time of these Proposals, *Horsey* had Effects shelter'd in the House of *Guadagni*; which the said Seignior *Quaratesi* being Partner, might have lawfully secured to his Master the Grand Duke. The Debt was unquestionable, consisting of Two Articles;

Carried over ————— Doll. 19200

A P P E N D I X.

75

Brought over the Sum of Articles on the other side — 19200 Numb. 17.
 One vouched by a Bill of Exchange, accepted, and long due ;
 The Other by a Bill of Lading, for Wax consigned the Complai-
 nants by the Ship *Lambert*, Capt. *Clark*, recommended to the
 said *Horsley*, whereby he had an opportunity surreptitiously to
 withdraw the Wax from the *Lazaretto*. And both these Articles
 imported about ————— Doll. 1400

Assignments offered to the Grand Duke ————— Doll. 20600

Nº. 18. ————— Relating to Fol. 20.

Copy of the Memorial sent by John Crookshanks from Marseilles.

A Monseigneur de Pontchartrain, Ministre & Secrétaire d'Etat.

Translated from the French.

My Lord,

HIS Majesty has not only by his just and wholesome Laws secured the Quiet of his proper Subjects, but has also by an Effect of his Royal Generosity taken under his particular Protection all Strangers who come into *France*, in such manner, that in his happy Dominions we are looked upon and treated as Pupils. Having experienced this heretofore on many occasions in the space of six years, I presume without the assistance of any Introducer, to throw my self at Your Grandeur's Feet, hoping my humble Prayers will be heard, and the Favour I expect will be granted. For obtaining it, My Lord, I'll expose the Truth faithfully; otherwise I should tremble in your Presence.

In supplicating Your Grandeur's permission, to tell the matter of fact, I am frightned when I find my self engaged to expose the Name of the Person principally concern'd ; but having no design to justify him, nor to offer any thing rashly in his defence, tho' he be an Object of Compassion ; fixing my Eyes upon Your Grandeur's Bounty and Clemency, I am encourag'd, being certain, that altho' the Imprudence of this unfortunate Man should be as condemnable as the Crime of *Cinna* ; the King's generous Clemency will surpass that of *Augustus*.

Hoping to have obtained permission to enter into Matter of Fact, the Petitioner does most humbly represent to Your Grandeur, That he is concerned in a House at *Livorno*, running under the Name of *Rigby, Shepard and Company*, wherein *William Plowman*, an *Englishman*, was a Partner for the Space of Five years, beginning the 29th of *Novemb. 1690*, and ending the 29th of *Novemb. 1695*. The Dissolution of this Partnership, being about four Months before his unfortunate Embarking on the Ship *Philip and Mary*, Commanded by Capt. *John Brome*, an *Englishman*, with Commission from His Majesty of *Great Britain*.

At the end of the aforesaid Copartnership, Affairs were not entirely Liquidated, so as to Ballance Accounts upon their Books ; and without expecting an Issue herein, the said *William Plowman* undertook a design for *Tunis* and *Alexandria*, under appearance of Trade, considering the word given to the Grand Duke, and the Leave his Serene Highness gave for his going to Sea, which induced us to Lade considerable Effects, and Sums of Money under his direction, for purchasing at *Alexandria* a quantity of Coffee ; upon which, according to appearance, we might have gained *Cent. per Cent.* There

Numb. 18.

There was no reason to doubt that *Plowman* Embarked in Quality of a Merchant, and for Trade, seeing he had given his Word to a Sovereign Prince, who had heaped Favours on him in a distinguishing manner; having left his Wife and Children under the Protection of his Highness. We could not dream that he would have unluckily engaged the Honour and Interest of our House, from which he had received such Advantages, and by which he had been introduced to Affairs, that he was willing to precipitate himself and his Friends into unavoidable Ruin. At this moment, My Lord, I cannot think that God did abandon him to such an extravagant Thought. Our Confidence in that unfortunate Man was then so great, that we did not only trust him with Effects and Money, but also with our Letter of Attorney to Ballance and Terminate our Concerns in those Places of the *Levant* to which he was design'd; which has been the occasion of great Loss; since whatever he touched is at present wrapt up in his Ruin, or lost by his bad and unhappy Management.

These are sensible Losses, My Lord, to poor Merchants; but I can assure your Grandeur, that they do not touch me so much to the Quick, as the Regret I have for Counselling this unhappy Man to leave *Messina* and *Naples*, and come to *Florence* to justify himself; whereby I have been innocently the Cause of his Imprisonment at *Rome*, by the Confidence he had in setting forward on my word; believing that he had performed his promise, and could make appear that, during the Voyage from *Livorno* to *Tunis* and *Alexandria*, the Ship *Philip* and *Mary* had not taken any Prizes: But he has been much mistaken in his Calculation on this Point, seeing he now remains in a deplorable Condition, closed up in a dark Dungeon, incapable to assist his numerous Family, or to satisfy his Parties, otherwise than by the Imprisonment of his Person; the greatest part of his Estate being lost, and the small Remainder thereof so embroil'd, that his Creditors make no account thereof.

What augments our Misfortunes, My Lord, is the Noise of *Plowman's* Imprisonment, and the Disorder of his Affairs, having pass'd not only into *England*, but also into all Places where our House traded; all our Friends and Correspondents superseded Business, and diverted their Consignments, fearing we could never rise with the burthensom Loss caused by *Plowman's* Misfortune; in such manner, that our House, which was the most flourishing, and of the *English* the most considerable in *Italy*, is now brought within two Inches of Ruin, if the Clemency and Compassion of your Grandeur do not relieve us, in consideration of our Innocence.

Seeing then, My Lord, that while *Plowman* remains in Prison, the Credit of our House cannot be re-establish'd; we have taken the Resolution to add to our Losses yet something more beyond our Strength; and for this Effect the Petitioner is come to *Marseilles* to propose an Accommodation to the Gentlemen of the Chamber of Commerce, who have kindly granted him several Conferences in their Assemblies; he believes (with submission) that they have discerned his Honesty, the Equity of his Propositions, and the Advantage which the particular Men in *France* may have by his Offer to the Chamber: And the Reason why these Gentlemen have not readily embrac'd it, may be because they have not your Grandeur's permission for so doing. Wherefore, that I may not make unprofitably so long a Journey into *France*, I am constrain'd at present to make a Faithful Narrative of what pass'd, seeing the Interest of our House, and my Honour in particular

are

are engaged ; hoping, My Lord, that my most humble Prayers for a moment of your Attention, will not be rejected ; and that I shall be allowed to expose briefly all the Arguments made use of with the Chamber of Commerce.

The Petitioner, besides the Reasons already deduced to your Grandeur, prayed the Gentlemen of the Chamber of Commerce, to make a just Reflection on the Grand Duke's Sentence, whereby *Plowman* is condemned to render to the *French* Subjects of his Majesty the Sum of 47,000 Dollars ; to which the three Vessels taken, and their Ladings, have been valued ; this was not pronounced with Cognizance of the Cause, and value of the Ships and Merchandizes ; his Highness having relied on the Demand of the Chamber of Commerce, formed upon the Words of particular Men, who have not ingenuously declared the Insurances by them made, and recover'd in Foreign Parts ; nor the Share which Strangers *Italians*, had in the Body of some of the Vessels in question.

The Petitioner showed to the Chamber of Commerce, that the Grand Duke, by his proper Sentence, declared, that *Plowman* was only obliged for the Ship *Philip* and *Mary* ; and that the Ship *Santa Barbara*, Captain *Joseph Fougasse*, was taken by an *English* Sloop, *William Garland* Master, according to the Depositions of the *French* Equipage themselves, taken at *Livorno*, upon their Arrival, in Presence of a Native *Frenchman*, who is an Officer in the Health-Office.

For including in the Sentence the Ship of *Fougasse*, valued about 10,000 Dollars, Monsieur *D'Arvieux* made his Efforts ; the strongest Reasons which the Petitioner heard him alledge, was, the Sloop was Fraighted for account of *Plowman* ; that the Master, *Garland*, had not a Commission ; that the *Philip* and *Mary* was at some Leagues distance only, when the *French* Ship render'd. Knowing, My Lord, the Just and Christian Sentiments of the Grand Duke, and that to save his Life and Territories, he would not permit an Injustice ; the Petitioner is obliged to believe, that for condemning the Miserable *Plowman* to the Restitution of *Fougasse's* Ship, his Highness has had some private and considerable Motive, surpassing the Imagination of the Petitioner at present.

The Petitioner represented to the Gentlemen of the Chamber of Commerce, that in payment of 47000 Dollars, to which *William Plowman* was condemned ; the interested were to make him good the Value of the Ship *Virgin's Hope*, and part of her Lading, released by the *English* Commander to Captain *Leoncé*, for the Sum payable and seized at *Venice* ————— Doll. 6600

And for the Bark, and part of the Lading ransomed by Patron

Turcon by his Obligation for ————— 4000

Moreover, the same Sentence bears in deduction the Rights competent, which *Plowman* had upon a Parcel of Coffee by him addressed to *Victor de St. Amand*, importing according to the Demonstration made to the Chamber of Commerce ————— 17000

These three Sums make together ————— Doll. 27600

It's true, My Lord, that the Chamber of Commerce upon the precedent Articles made some Objections, principally against the Article of Doll. 6600, seiz'd at *Venice* by the Assurers and others, who pretend *Plowman* is their Debtor ; but the Petitioner made answer, He was come to *France* to ask a Favour, and not to dispute ; and that the Creditors of *William Plowman* would suffer by his Loss of the Three preceding Articles, which render'd him incapable to pay his Debts.

Numb. 18.

The Petitioner did further shew the Chamber of Commerce, that, for the Reasons already explain'd, before Monsieur D' Arvieux went to Florence, the House made instance to the Grand Duke for the Liberty of *Plowman*, and offer'd in Effects and Bills of Exchange 14,000 Dollars, with their Obligation to represent the Person of the Prisoner when his Highness should Command; and having for this End put into the hands of his Proveditor-General, Signior *Francesco Teriesi* at *Livorno*, the Value of 8200 Dollars, and carried to Signior Auditor *Angeli* the Bills of Exchange for 6000 Dollars; finding then, that his Highness would not do any thing without your Grandeur's previous consent; the Bills of Exchange were carried back, but the Effects willingly deposited, were seized, or rather kept in the hands of Signior *Teriesi*, at the Request of *Plowman*, who was afraid of perishing in Prison, if his Highness should discover him destitute of Effects to pay his Debts. As it was not honourable for the House to enter an Action against a miserable Man in Prison, they consented to leave these Effects in the hands of Signior Proveditor *Teriesi*, with express Condition, That if in the Issue of the Examination of the General Account of the Society, *Plowman* was not declared Creditor, these Effects should be render'd to the House; and notwithstanding Signior *Teriesi* has caused to sell these Merchandizes at publick Outcry, and has remitted their Proceeds into the hands of Monsieur *Soufine*, Bearer of a Procuration from the Chamber of Commerce of *Marseille*, with condition to keep them as Depositair, until it should be verified, that to the Chamber there was no anterior Creditor.

The Petitioner did show further to the Chamber of Commerce, My Lord, that the Grand Duke had caused to make very strict Search to discover the Effects of *Plowman*; That his Highness's Residents at *Naples* and *Messina* had recovered some Goods which were sold at publick Outcry: The Proceeds whereof were put into the hands of the said Signior *Teriesi*, and by him consign'd to the said *Soufine* upon the Clauses and Conditions aforesaid.

The Value of these Effects, My Lord, does not appear free, and at the disposition of the Chamber of Commerce. *Rigby, Shepard*, and Company, have an express'd Preference upon their proper Effects voluntarily and conditionally deposited. Those found by the Ministers of his Highness under the Name of *Plowman*, are sequester'd in the hands of the Depositair by Creditors anterior to the French Gentlemen represented by the Chamber of Commerce.

These Creditors are, the Sister-in-Law of *William Plowman*, for 3700 Dollars principal, being part of her Dowry, by an Obligation pass'd and legaliz'd in France some years ago, which (with submission) renders her Credit lawfully anterior. There are English Merchants residing in the *Levant*, who have a special Privilege upon the Goods recover'd at *Naples*, and a Title anterior to the Judgment, in such manner, that by the Privilege of *Rigby, Shepard*, and Company, and the Anteriority of the other Creditors, there is nothing in the power of the Depositair for the Use of the Chamber.

As the Chamber of Commerce might presume that *Plowman* had shelter'd his Effects to elude the Execution of the Sentence; The Petitioner demonstrated to them, That notwithstanding the Value of the Prizes was considerable, *Plowman* could not make use of his Share, which never was, neither at present is at his disposition. Your Grandeur, with a just and quick Penetration, will discern, that the Value of these Prizes is less than the Sum demanded for Restitution, and subject to Partition; viz.

The Admiralty for Dues challenges without dispute, one Tenth part, is	5.
The Equipage, according to the English Navigation, draws immediately out	
of the remaining 18 s. one Third part, which is	6
Capt. <i>Brome</i> , in virtue of his Commission, was possessed of all; for his Share,	
one half in the Ship, claims a Moiety of the remaining 12 s. and a law-	
ful Exemption from <i>Plowman's</i> Promise; and this is	6
<i>Rigby, Shepard</i> and Company, had a quarter in the Ship, and esteem themselves	
no farther oblig'd than the Captain, by a word of <i>Plowman</i> ; their Share is	3
<i>Plowman</i> then could only claim one quarter-part in the Body of the Ship &	
pro rata	3

Which makes the Entire ————— 20 s.

So Calculating in Terms of a Merchant, of 47000 Doll. adjudged by his Highness, *William Plowman's* Share being $\frac{1}{20}$ th Parts, is Doll. 7050; from which is to be deducted his Part in the Charges of the Expedition and Sale, as well as of the Provisions bought during the Voyage; which renders *Plowman's* Case worthy of Compassion.

The Petitioner did further shew, My Lord, that the Equipage of the Ship *Philip and Mary*, by reason of the violent Plague at *Alexandria*, would not stay there to Load. After departure thence, *William Plowman* Embarked with sundry Effects upon a *Dutch* Ship of 40 Guns, Laden in the *Levant* for *Messina* and *Holland*, call'd the *Golden-Rock*; the Commander whereof carried Letters of Mart, and gave Chace to the Bark of Patron *Jean Turcon*; who making his Efforts to escape, discover'd a Ship of a *French* Fabrick, and in hopes of help approached her as near as possible; but a Calm succeeding, the *Dutchman* sent his Shallop to take Possession of the Bark: So soon as this was discover'd by the other Ship, which proved the *Philip and Mary*, Capt. *Brome* put abroad *English* Colours; sent his Pinace, who got sooner than the *Dutch* to this Bark; and Patron *Turcon*, by Election, surrender'd himself a Prisoner to the *English*: The *Dutch* come up, and pretend a Moiety; their Commander desired *Plowman* to go and treat an Adjustment, for preventing the Disorder which was like to happen by the dispute; but *Plowman* being surpriz'd to meet the Crew of the *Philip and Mary*, sway'd by Inclination and Interest, he ranged himself on their side, and would not expose himself to the Insults of the *Dutch* in returning to the *Golden-Rock*; the Commander whereof consider'd that *Plowman's* Effects remain'd Aboard, and so seem'd to let the Matter pass quietly; but after his Arrival in *Holland*, he Commenced an Action in the Admiralty, pretended a Moiety of the Prize, as taken by his Assistance, and in consequence obtained the Condemnation of the Effects laden by *Plowman*, which augmented the Misfortunes of this miserable Man.

The Petitioner took the liberty, My Lord, to tell the Gentlemen of the Chamber of Commerce, That if this unhappy *Plowman* were in *France*, the King would set him at liberty upon Renunciation of his Concerns to his Creditors, altho' he had borrow'd of them honestly, in so many Louis's of Gold, the Sum of 47000 Doll. To which, by Sentence, he is condemn'd.

Moreover, the Petitioner told the Chamber of Commerce, he was assured, if this unhappy Man were Prisoner in *France*, the King by his accustomed Generosity towards Strangers, would let him enjoy the Third Article of Peace, signed at *Ryswick*; which runs thus: *Omnes offensæ, injuriæ, damna quæ prædictus Dominus Rex Christianissimus ejusque subditi, vel prædictus Dominus Rex Magnæ Britanniae ejusque subditi durante hoc bello alter ab altero pertulerint oblivioni tradantur, ita ut nec earum, nec ullius alterius rei causa, vel pretextu alter alteri, aut alterius subditi post hac quidquam hostilitatis, inimicitiae, molestiae, vel impedimenti, per se vel per alios, clam vel palam directe vel indirecte, specie juris aut via facti inferant, vel inferri faciant aut patiantur.* Altho' *Plowman* may be judg'd perhaps without a direct Right of enjoying this Privilege by the Peace, because by the word given to his Highness of *Toscany*; yet the Sentence being denounced after Conclusion of the Peace, and the Consideration that the *French* Gentlemen concerned in the Prizes, can only by an Accident demand Restitution, by the King's Authority interposing in their Favour; they can't with Justice complain, if his Majesty should pardon *Plowman*, to render him a Monument of his Clemency during his Life.

From all that has been said, My Lord, the Petitioner believed the Chamber of Commerce would have been touched, considering the Motives that engaged him to come and throw himself into their Arms, to save and recover the shatter'd Effects of the House; the small Share which *Plowman* could pretend in the Prizes for which he is prosecuted; the Improbability of their touching the Effects in the hands of Mr. *Sofine*; the notorious Insolvency of *William Plowman*, and the lamentable Condition of his Family: The Petitioner was persuaded these would have been efficacious Motives to draw their Compassion; considering, that when the Sentence of the Great Duke of *Toscany* should be executed according to the literal sense of the same here transcribed, there would only remain due to the particular Men concerned ————— Doll. 19400

But as the 6600 Dollars were sequester'd before the Sentence of the Grand Duke, by others as well as *French*, the Chamber might have a difficulty in touching the Money; he offer'd to take Charge thereof, to exempt them from the Trouble in discussion.

Numb. 18. cussion of the Recovery thereof, and to pay them 30,000 Livres *French* Money, upon Enlargement of *William Plowman's* Person, and their Release on the Adjudication which they have obtained against him by Sentence of the Grand Duke.

This Proposition, My Lord, in which the Petitioner has made an Effort beyond what the conveniency of the House's Affairs permits, appear'd to the Chamber too moderate, and beneath the Sum *Plowman* is condemn'd to restore; but being more than what he himself can give, the Petitioner hoped that Compassion would have moved the Gentlemen of the Chamber of Commerce to accept this Offer, for expiating the Crime, or rather the Imprudence of this unfortunate Man.

When the Petitioner made this Offer, he did not know, My Lord, that the Insurers at *Venice*, *English*, *Italians*, *Armenians* and *Jews* had paid to the concerned in the Ship *Virgin's Hope*, Capt. *Leoncé*, 17,200 Ducats of *Venice*.

After Information of the Truth of this Matter, the Petitioner desir'd the Chamber of Commerce to consider the King's Intention, which was only for the Restitution of what had been taken by the *Philip* and *Mary* from the Subjects of his Majesty; and by consequence they could not comprehend in a Sentence given against *Plowman* in Prison, the Ship and Lading of Capt. *Leoncé*, because this Vessel and her Cargo never did belong to the *French*, but to Traders at *Venice*, who employ'd the Captain, under the *French* Pavillon, to cover themselves from the Insults of the Rovers of *Barbary*, with whom the *Italians* are in perpetual War: In effect, My Lord, the Petitioner is ready to prove in authentick Form the Truth of his Allegation on this Point, believing the Chamber can't prove any Insurance made in *France* on this Ship, or her Cargo; so granting they did belong to the *French*, (which the Petitioner does not acknowledge,) it will appear, that by Insurances abroad, the Strangers have undergone the Loss; and the Subjects of his Majesty, in whose favour Restitution is Ordain'd, have not any Interest; and your Grandeur will never permit a miserable Man, who is out of condition to speak for himself, to be overwhelm'd under the burthen of a Demand, which can't subsist in the Rigor of Justice; and more particularly when the Honour of his Majesty is engag'd, which in your Grandeur's mind carries the preference of all things, as the World has fully discern'd. Now the Value demanded by the Chamber of Commerce, and comprehended in the Sentence for the Ship and Lading of *Leoncé*, submitting to Correction, will amount unto ——— Doll. 30,000
The Bark, & part of the Lading render'd to *Turcon* in virtue of his Obligation — 4000
The Mony which the Petitioner offers to pay on the Enlargement of *Plowman* — 10000

Is in all ——— Doll. 44000
So that to compleat the Sentence in the full Extent thereof, wants only — 3000

Sum of the Sentence ——— Doll. 47,000
Without speaking of the Coffee confiscated, and without daring to affirm, that the Value of the Prizes, would not amount to what is alledged, if the Books of particular Men were examin'd.

There are other Reasons which the Petitioner might expose to your Grandeur, if Respect, Prudence and Modesty did allow it: but he knows very well, My Lord, that Silence by such Motives will not hinder your Generosity and Clemency.

All these Considerations, My Lord, are most humbly laid by the Petitioner, a Stranger, at your Grandeur's Feet, hoping you'll grant him the Favour to report the Matter to the King, and obtain from his Majesty Orders for the Enlargement of *W. Plowman*, detained so long a time in a deplorable Condition; from which he might have been Relieved by a more early Recourse to the Piety, Justice and Prudence of your Grandeur on easier terms. However, My Lord, if you Ordain the payment of the 30,000 Dollars offer'd to the Chamber of Commerce, in carrying the Cession of their Rights against *Plowman*, and the free Enlargement of his Person: The Petitioner shall pray for the Preservation of his Majesty, for the Health and Prosperity of your Grandeur, and acknowledge the Obligation which he'll have to remain all his Life,

MARSEILLES,
12 Jan. 1699.

My LORD,
Your Grandeur's most Humble, Obedient,
and Faithful Servant,
Signed ——— JOHN CROOKSHANKS.

Copy

Copy of the Letter which accompanied the Memorial sent to Mr. De Pontchartrain by John Crookshanks. Translated from the French, viz.

My Lord,

When th' important Concerns of the Kingdom shall permit the least respite to your Thoughts, your Grandeur's Clemency allows me to hope for a moment of Attention to the Supplication of a Stranger in favour of Innocence, and that consequently I shall be entirely comforted.

For the Truth of what I alledge in the state of the Case hereto annexed; if I am permitted to constitute my self personal Surety, in case your Grandeur find the least thing contrary to Truth, condemn me and I'll undergo with patience the most just punishment.

If on th' other hand, the Relation which I presume to let fall at your Feet be veritable, and my most humble Prayers reasonable, I should disparage the Justice and Clemency of your Grandeur, in doubting of your Lordship's Orders to the Chamber of Commerce for finishing this Affair.

I have been two Months, my Lord, at *Marseilles*, without concluding; my Absence from *Livorno* is a considerable Prejudice, the concerns of our House decline daily, wherefore having establish'd my hopes of Relief, on the Goodness and Clemency of your Grandeur; I most humbly beg the Honour of an Answer; and if I be so happy as to obtain your powerful Protection, all my Losses will be sufficiently recompenced, and to the last moment of my Life, with a profound respect, and inviolable Fidelity, I'll remain,

My Lord,

Your Grandeur's

Most Humble, Obedient, and obliged Servant,

Marseilles, 12 January 1699.

John Crookshanks.

Numb. 19. ——— Relating to ——— Folio 21.

Note of the Errors in the Calculation made by the French at *Marseilles*, of the Sums which they were willing to make good to *William Plowman*, and defalcated from the Sentence.

Livres.

63374— They were willing to allow for the Ship and Cargo of *Leonce*.

Whereas calculating it at their own Terms, they ought to have included the Exchange from *Livorno*, Money there being 20 per Cent. better than at *Marseilles*, *Livres.* so that this Article would have amounted to— 75908

3000— They were willing to allow for the Bark of *Turcon*, and Goods Ransom'd. Whereas the Goods had ben seiz'd and granted by the French

66374 ——— Carried over ——— 75908
Y King

Numb. 19. 66374 ————— Brought over ————— 75908

	King to the first Proprietors, Members of the Chamber, which they would not bring back to be distributed amongst th' other pretenders; <i>Turcon's</i> Obligation was 4000 Dollars at 20 per Cent. ———	14400
2400—	They were willing to allow for Money advanced Mr. <i>Darvieux</i> , whereas it was per 800. at 20 per Cent. ———	2880
68774	They were willing to allow.—They should have allowed ———	93188
72216	Ballance which they demand.—They to demand only ———	47812
141000—	Calculating according to the <i>French</i> Terms ———	141000

They ought to have demanded only 47812 *Livres Tournois*, and this without objecting against them the reason for deducting the entire value of Captain *Leonces* Ship and Cargoe, according as they estimated them in their Demand.

The Article of *Turcon's* Bark and Goods ransomed was beyond dispute; yet *John Crookshanks* durst not assert a Right thereto, lest those Members of the Chamber concerned therein, should be exasperated, and oppose a Conclusion, to which certainly they never would have given their Vote; if he had required them to bring back, what they had by Diligence, and the advantage of their place secured, to be now divided amongst th' other pretenders, *pro rata*.

If a dependance on the Benevolence of the Chamber of Commerce required such Circumspection, it was not safe in *France* to contest a matter which Mr. *Le Bret*, by direction of Mr. *De Pontchartrain*, and he under shadow of the King's Supream and incontrollable Authority had disposed of, in manner as had been done with the Coffee consigned to *St. Amand*, to touch that point would have incensed the Secretary of State, and a modest Silence appeared the more prevalent Argument for a conclusion in *France*.

John Crookshanks did assert *William Plowman's* Right to this Article before Sentence past at *Florence*, in the attempt for Liquidation of Prizes with the Chevalier *Darvieux*, and the Arguments then made use of, and which prevailed on this *French* Gentleman, were upon Oath reported by Dr. *Zagri* and Father *Cosmo*, to the Grand Duke, and now remain in the Secretary's Office, being *viz*.

That the *French* must treat *W. Plowman* as an Enemy, or as a Friend.

If they declared him an Enemy, they gave him a just Authority to insult them on all re-encounters.

If as a Friend, they ought to make him good, what upon the Faith and probity of Merchants had been committed to their Trust as the Coffee was, and so much the rather, because he was willing to appropriate it for satisfying their pretences.

These Arguments were transmitted to *France*, both by the Duke, and Mr. *Darvieux*, and the Answer which from thence came, gave occasion for imploying the word *Competent*, in the Sentence of his Serene Highness, as from the consideration of the Circumstances and Matter of Fact, may clearly appear.

Copy

Numb. 20. ————— Relating to ————— Folio 21.

Copy of a Letter written from Marseilles to the Grand Duke, by John Crookshanks, sent under Covert of Seignior Montemagni, Secretary of State to his Highness; Translated from th' Italain, viz.

Most Serene Grand Duke,

HAVING from your Highness's Bounty obtain'd leave to come for *Marseilles*, by the same, I hope will be granted me Liberty to lay at your Feet a faithful account of my Treaty with the *French*.

Expecting an Answer from the Minister of State for the desired Conclusion, with bended Knee from the bottom of my Heart, I supplicate your Serene Highness not to let me remain affronted, and in Prison instead of freeing th' unfortunate *Plowman*, seeing that upon the adjustment, I shall be obliged for payment of the Money, and without that in the Hands of *Sofne*, I shall be incapable to make satisfaction; it would be a great contentment to me, if your Serene Highness would be pleased to command Auditor *Angeli* to direct my Behaviour in this matter.

I am perswaded, that in a short time the World will see *Plowman* cleared, to be a Trophy of your Clemency; the House of *Rigby Sheppard* preserved for a Monument of your Goodness, and my self favoured as a Votary to these Virtues, which adorn your other Prerogatives, and make your Serene Highness an Example worthy of all Christian Princes; for Mercy in pardoning Offences, is of God himself the most cherish'd Attribute with Prayers, &c. *Marseilles*, January 1699.

Serenissimo,

Your Highness's

Most Humble, Obedient, and devoted Servant,

Signed. *John Crookshanks.*

Copy of another Letter to the Grand Duke.

Serenissimo,

THE chief and most important end of my Endeavours being to please your most Serene Highness, I hope from your great Goodness, to obtain leave humbly to explain the sequel of my Transactions with the *French*.

The Minister of State having upon Receipt of three of my Letters, without great Punctuality and Generosity, given the necessary Orders successively to this Chamber of Commerce, they remain astonished, and I hope the matter will be shortly concluded, according to the tenor of my Memorial. *Monf. Pontchartrain's* last Letter to the Chamber, being conceived in these Terms, dated the 4th *March*, *ad verbum*, so far as I can remember in *French*, your Serene Highness is supplicated to pardon me, if I repeat it in the proper Idiom, for fear of committing an Equivocation in the Sense by a Translation.

Mes-

Numb. 20, Messieurs, J'ay receuë vostre Lettre du 20 Fevrier, ensemble le memoire du S. Crookshanks, les ayant consideré, je trouue que vous avez raison de dire que son offre est modique, par raport a la somme adjugée par le Seig. Grand Duc, mais vous ne pouvez pas refuser de deduire le bastiment de Leoncé, la Barque de Turcon, & les 800 Piastras payez au Chevalier Darvieux, l'emprisonnement du Plowman pendant deux ans, merite vostre compassion, & doit estre mis en ligne de compte a son credit, ainsi voyez d'obliger le S. Crookshanks d'augmenter son offre, en tout cas chargez vous de m'en faire rapport, pour recevoir les derniers ordres du Roy.

I refused to advance a Farthing to the Chamber of Commerce, they discerning the disposition of the Minister of State, have under the 18th Current, consented to do whatever he shall command them; in this moment I have discovered my good Fortune, &c.

Copy of another Letter to the Grand Duke.

Serenissimo,

K Neeling, I supplicate your great Bounty for leave to expose to your Highness these Lines, hoping those annexed may be agreeable, they were communicated to me under promise of Secresie; I do not believe that hereby my Obligation is broke, for while the matter remains in the benign Breast of your Serene Highness, by so much the more will the Secret be reserved in the most candid part of my Heart.

To Cavalier *Montemagni* your Secretary of State; I have transmitted Copies of my last Letters to the Court of *France*, with a Relation of my Proceedings to be laid at your Highness's Feet in my Name.

If leave were granted me to conjecture at the Sentiments of this Minister of State, I would humbly say that the conclusion of my Business is suspended, until your Serene Highness be informed of the matter, to engage the Chamber of Commerce to concur with me in asking the Favour, because he will not arbitrate in their Concerns as they had supplicated.

Having fought here with an intrepid Mind, to let the World know our Obligation to the unparallel'd Goodness of your Serene Highness; I expect Protection for accomplishment of my Enterprize, by payment of the Money out of the Sums deposited in the Hands of *Sofine*: In the mean time, zealously praying God to pour out his Divine and most precious Blessing (according to the desire of your Serene Highness) upon your Sacred Person, *August House*, and happy Dominions; I bend under the Title (of the World to me the most glorious) of being with an inviolable Fidelity,

Serenissimo,

Your Highness's

Most Humble, Obedient, Obligated, and devoted Servant,

Marseilles, 17 April 1699.

Signed. *John Crookshanks.*

A Paragraph of Mr. De Pontchartrain's Letter to the Chamber of Commerce; Translated from the French, viz.

Gentlemen,

" I Have received your Letter 20 Feb. together with Mr. Crookshanks
 " Memorial, having consider'd both, I find you have reason to say
 " his offer is moderate, when compared with the Sum adjudged by the
 " Grand Duke; but you cannot deny the deduction of *Leonés Ship*,
 " the Bark of *Turcon*, and the 800 Dollars paid to Mr. *Darvieux*; the
 " Imprisonment of *Plowman* for two Years deserves your Compassion,
 " and ought to be placed in a Line of the account to his Credit; so
 " perswade Mr. *Crookshanks* to augment his offer, whatever happens
 " take in charge the report thereof to me, for receiving his Majesty's
 " ultimate Orders.

William Plowman's proceedings had provoked the Court of *France* to resentment; yet the weak solicitations of *John Crookshanks* in a private Capacity swayed them to Moderation and Justice, touched Mr. *Pontchartrain* with Compassion, who formerly was in the highest Degree exasperated; moved Mr. *Le Bret* to distinguish and generously assist th' Innocent, induced the Chamber of Commerce to diminish their Demands; and in Fine, the particular *French Men* concerned to renounce an advantage to their Interest, acquired by the Grand Duke's Sentence, it will seem strange that the Court of *Florence* should prosecute their first Aim against the Prisoner, without respect to the gracious intercession of *the King of England* (who had Authority and Power to vindicate the justice of his Demands, with the Honour of his Prerogative) without any regard to the innocency of the House which pleaded an exemption from Surprizal and Oppression, and a Friendly Treatment, considering that in the time of their Trading without molestation, they paid one third part of the Revenues which his Serene Highness drew from his Custom-House at *Livorno*; and in conclusion without any esteem for the Laws which secur'd the other English Subjects concerned from the Injuries they have suffered.

Observation on John Crookshank's Memorial to Mons. De Pontchartrain, and on his Letters to the Grand Duke.

Th' intent of his Journey to *France* and treating there, was for accommodation to procure Liberty to *William Plowman*, and Relief to the House; this could not be accomplish'd by Arguments ungrateful to the *French*, or contradictory to the Grand Duke: Seeing he depended on the generosity of the first, and concurrence of the latter; there was such an intimate Correspondence between both of them, that he durst not affirm any matter which he could not easily vindicate at his Peril with either of them, so in *French* Concerns, he was to speak according to the *French* Genius, and in those relating to *Toscany*, he was to explain himself according to the *Florentine* Sentiment; otherwise on his Return to that Country, he would have been exposed, and fallen a victim to the revenge there practis'd; this will render any apparent Concession in favour of the Grand Duke's Pretences as excuseable now,

Numb. 21. as it was requisite then, and unavoidable, being th' effect of a timorous precaution, to which any private Person in his Circumstance might be liable.

Numb. 21. ——— Relating to ——— Folio 23.

Copy of Narrative sent to the King by the Grand Duke, concerning William Plowman; Translated from the French.

William Plowman an *English* Man, living at *Livorno*, supplicated his most Serene Highness the Great Duke of *Toscany* (by th' intercession of Mr. *Teriesi* *Provediteur* of the Custom-House at *Livorno*) to grant him permission to arm in the said port of *Livorno* the Ship upon which he embarked, for passing to *Alexandria* on design to purchase Coffee, pretending to draw therefrom a great Profit.

This arming being then by him undertaken, the *French* Consul made Application to the Governour, praying him to inform his Highness, to the end that he should not only deny his Consent, but on the contrary, that he would be pleased to put in Force his Ordonances, whereby he had prohibited armings of all sorts in the said Port.

Mr. *Plowman* informed hereof, gave his Word to Mr. *Teriesi*, that his Ship called the *Philip* and *Mary*, should not attack any *French* Vessel he might meet in his Voyage, and that upon the said word his Highness might give all Assurance to the *French*, that he would not in any manner contraveen.

This he ratified verbally, and in Person to his Highness, assuring him that he might answer for the same to the *French*, because he would punctually keep his Promise, wherein nevertheless he did not intend to comprehend th' other *English* Vessels with whom he might be consort, because he had no Authority over them, declaring at the same time, that if it should happen that they fought against the *French*, he would remain a spectator without committing any Act of Hostility, or firing against them.

A Promise so positive, and such a Declaration of Mr. *Plowman*, on which his Highness replied, That he ought to consider the Engagement, and have a care of causing the least prejudice to the *French*, that he ought to remember what it was to give his Word to a Prince in his Highness's Rank, who in his Consideration would engage his Parole to another Prince by much more Powerful and Greater than Himself; to this *Plowman* gave his Consent, and so much the more, considering with how much steadfastness he replied, that his Highness might rely on his Promise, and become surety for the same to the *French*.

His Highness having now no Reason to doubt of *Plowman's* Sincerity, gave Order to the Governour of *Livorno* not to stop the arming of the Ship, and to tell the *French* Consul not to trouble himself, because this Ship should not cruise against the *French*, that his Highness would answer him for the same; nevertheless, Treachery prevailing in the mind of *Plowman*, made him forget this Promise made to his Serene Highness, and without reflecting on the Trouble wherein he engaged him with *France*, by his bad Conduct, and breach of Word, he suffered

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ed his Ship *Philip* and *Mary* to attack, carry, and overcome some *Numb. 21.* *French* Vessels he met in his way.

The *French* Consul informed hereof, did not delay his Complaints to the Grand Duke, by order of the most Christian King, and in Name of his Nation, he put his Highness in Mind of the assurance given, that *Plowman's* Ship should not attack the *French*, that he was answerable for the same, and ought to act so as the *French*, from whom the Vessels and Goods had been taken, might be indemnified by the restitution of all with Damages and Interest: This obliged his Highness to do his utmost to get *Plowman* under his Power, to the end he might give Satisfaction for th' unworthy Action by him committed, and that he might be condemned to restore to the concerned in the Prizes what he had taken from them, according as his Judges should see fit in Justice.

This is a true Recital of the Fact, to which are added the following Considerations.

1. That the word of *Plowman* whereby he had promised to the Grand Duke, that the Ship *Philip* and *Mary* whereon he embarked, should not commit any Act of Hostility against the *French*; obliges him to the restitution of what has been taken from them, and if he could not promise for th' Obedience of his Captain, he ought to have fortified himself before he engaged with his Highness, to whom he ought to perform what was promised; he cannot alledge cause of Ignorance upon the point, seeing he explained himself, that he could not promise any thing, nor answer for the Conduct of Vessels in company with him towards the *French*; he gave sufficiently to understand that he had Authority and Right necessary for keeping the *Philip* and *Mary* within the bounds of his Word, without this, he would have been careful in promising, that in case of Attack which other Ships might give, his should not follow their Example, but remain a Spectator, without committing the least Act of Hostility against the *French*.

2. That Mr. *Plowman* has profited by the Prizes taken by his said Ship, he himself can't deny it, having confess'd it to the Ministers of his Highness who interrogated him.

3. To make appear that *Plowman's* Case cannot be comprehended in the Article of the Treaty of Peace at *Ryswick*, to which it has no reference, the Interpretation or Execution whereof does not appertain to his Highness; its certain the Question here is only about a word given by *Plowman* to his Highness, who by means thereof constituted himself surety to the *French* for all Damages which the foresaid Ship might do them; this is a particular Affair, wherein the Grand Duke has right to command Satisfaction from *Plowman*, who by his Treachery and unworthy Action, has broken the Promise given to his Highness, who being caution to the *French*, *Plowman* must relieve him, and maintain what he caused his Highness's Promise, who, without that, neither would nor could have dispenced him from the rigour of his Ordinances, carrying prohibition of all armings in the port of *Livorno*, In Virtue of the Neutrality there establish'd, and which gave a just occasion to the *French* to reclaim against the Contravention; all which evidently proves that the Peace of *Ryswick* does not assist *Plowman*, since the Cause is not between him and the *French*, but between him and his Highness, which does not interfere with the above mention'd Treaty of Peace. His Highness is held by his proper Dignity to cause
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Numb. 21. this Promise to be performed, it being always a Capital Crime in a private Man to take the Liberty of deceiving a Sovereign so unworthily as *Plowman* has done, who ought to esteem himself too happy in that his Highness has used all Clemency towards him, and has not caused to cut off his Head as he might have done for punishment of his Rashness, in abusing the singular favour of his Highness, which made him derogate from his Ordinances in facilitating the fitting out of the Ships, and in becoming caution of his Actions to so powerful a King, as his most Christian Majesty is, his Highness having contented himself to do *Plowman* no harm, only that of constraining him to render what he had taken contrary to his Word given, and to keep him closed up in a Prison, while he deserves another sort of Treatment, and an exemplary punishment to teach others their Duty, not to fail in promises given to Sovereigns.

Its hoped after a deliberate Reflection on all that has been produced hitherto, and we may be perswaded that the Justice it self of his Britannick Majesty will not suffer this matter to be spoken of any more, nor the Treaty of *Ryswick* to be further alledged, which has nothing in common with the Affair of *Plowman*, who having already entred into a Treaty with the *French* to accommodate with them, it may be believed the Conclusion will not be long delayed, that he may afterwards hope for an end of his Misfortunes, from the generosity of his Highness.

The behaviour of *Plowman* in treating with the *French*, for which purpose he has sent to *Marseilles* some Months ago, *John Crookshanks* who remains there, and by Letters constantly gives hopes, that he may free him by a good Agreement with his Creditors; joined to the Consideration, that at the same he manages in *France*; he puts all on work in *England* to have the protection of his Britannick Majesty, proves evidently that he finds himself guilty, for if in his Conscience he could assure himself of gaining his cause under the shadow of that Protection, he would not have resolved on a Treaty with the Chamber of Commerce at *Marseilles*; therefore as he does not in this encounter act fairly, but is guided by a double intention, The Grand Duke hopes the Truth of this being made known to his Britannick Majesty, he will be pleased to discover the indispensable necessity which hinders his Serene Highness from changing his Sentiments concerning *Plowman*, or from governing himself otherwise than in conformity to the contents of this Memorial.

Observations on the Narrative sent by the Grand Duke to the King.

THis Narrative was vamped up in rusty *French* by the Abbot *Gondi* Secretary of State for *French* Affairs.

The Complainants dare not make a full Discovery of the subtilty and sinister practices in the contrivance of this Narrative, until they have incontestable Proofs, and opportunity to authenticate them, but they humbly conceive that the Abbot *Gondi* made use of the *French* Language rather than the *Italian*, because a Copy thereof was sent to *France*, to ingratiate himself the more at that Court; if th' Original had been solely intended for the King of *England*'s Consideration, this Abbot with better Manners would have shown more Respect to his Majesty.

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In the Narrative its alledged, that *William Plowman* supplicated his *Numb. 21* Highness by the intercession of Seig. *Teriefi*; yet this Gentleman was never called to depose on Oath the nature of the pretended Promise.

Its impossible to keep Truth under a total and constant Eclipse; by the first paragraph of this Narrative it appears that *William Plowman* informed his Highness of a design for *Alexandria* only, without any intention of entring into an Obligation.

The whole matter of Fact is not here represented, for *William Plowman* declared likewise his design for *Tunis*, by the accomplishment of the Bargain at *Cape Negro*, to make *Livorno* the publick Magazin for Corn; as this project was obnoxious to the *French*, the matter must be here concealed, which is a further proof of Abbot *Gondi's* dispatch of this Narrative to the Court of *France*.

It appears the Voyage was to terminate at *Alexandria*, and consequently according to the Grand Duke's Pretensions, *William Plowman* could not be made lyable for any Action committed by the *Philip and Mary*, after her departure from that Port.

It's evident, that after *William Plowman* had made some progress in dispatch of his Affairs, the *French* Consul began to clamour, so whatever promise *William Plowman* gave, was extorted by surprisal upon the urgency of his Departure, which was as imprudent as illegal; the quality of both Parties considered with respect to the *King of England*, the Grand Duke as neuter, and *William Plowman* as a Subject to his Majesty; the first cannot plead an exemption from his Agreement in the Articles of Neutrality, nor the latter a dispensation from his Duty and Allegiance.

Can th' Abbot *Gondi* study to invert Equity so far as to give the *French* or the Grand Duke priviledges and exemptions by the Articles of Neutrality, contrary to the Sense and Intention of the Cartel, which has not in the least been violated by *William Plowman*, as by the perusal of them in the *Appendix, Numb. 4.* will plainly appear? on the contrary the Rights of th' *English* are in a notorious manner infringed.

That the *French* King was another Prince, much greater and more powerful than the Grand Duke, is no argument either in Policy or good Manners, for excusing the indignity offered to his Majesty, in the violation of his Subjects Priviledges, and the Laws of Nations.

Neither were the *French* Consul's Complaints, and wrested Interpretation of th' Articles of Neutrality, a reasonable or justifiable inducement for his Highness to do his utmost for getting *William Plowman* under his Power, and for constraining him to the restitution of Prizes taken by the *Philip and Mary*, unless matters be to be decided by Abbot *Gondi's* Sentiment, whose Conclusions seem to be in plain Terms that the Court of *Florence* might attempt any thing against *England* in favour of *France*.

As to the Considerations on the Narrative subjoined thereto, with submission they seem to be very weak; for if *Plowman* was to consider, and to arm himself against Events, before he engag'd in a matter which he neither had any Authority to conclude, nor Capacity to perform, the Grand Duke and his Council ought to have consider'd very well the circumstances of the Case and Person of *William Plowman* a Subject of the *King of England*, and have judg'd him not *Compos mentis*, in proposing an open revolt from his Allegiance to his Majesty, and from his Duty to his Native Country, thus much being imported by the pretended promise of not molesting the *French*. A a Tho'

Numb. 22. Tho' *William Plowman* confess'd that he had profited by the Prizes, it is to be considered, in Prison he would do any thing to save Life, the Security whereof depended on the appearance of the Prisoner's Estate, in the Eyes of his Highness, who otherwise might have done his utmost against the person of *William Plowman* for Satisfaction of the *French*.

The King, in one of his Letters to the Grand Duke, was pleased to alledge the 3d Article of Peace at *Ryswick* in favour of *William Plowman*, which might have prevailed on Abbot *Gondi*, to forbear a direct and indecent contradiction in the Narrative, together with the nauseous and offensive Repetition of the mighty power of his most Christian Majesty, and other disparaging insinuations when he touches the Interest of *England*.

The consequences drawn from *William Plowman's* desire of an accommodation with the *French*, are as mean as the Representation of the matter of Fact is erroneous in the Narrative; for the Court of *Florence* did encourage *John Crookshanks* to go for *France*, were by him constantly and directly informed of his Progress there, and frequently (nay at the time of the Narrative) by Letters they approv'd his Management, which shews by what Maxims these Politicians have acted.

Every true *English*-man, and Subject of his Majesty, in considering this matter will find his Blood boil. The Honourable Sir *Charles Hedges* who was a Stranger to great part of th' intricate contrivances at *Florence*, discovered in this Narrative something inexpressible, the decision whereof required th' interposal of *the King's* Royal Authority.

The Complainants do humbly conceive that no generous unbiassed and independent Mind would have condescended to draw Arguments from a Man's Conscience, to surprize a Prisoner, to misrepresent a Subject to his Sovereign, and to aim at any thing against the Dignity of *the King of England*, that no Person could be capable of such Behaviour, except an Abbot fixed to the *French* Interest, and one qualified and inclined to act a *Portocarrero*.

Numb. 22. ————— Relating to ————— Folio 23.

Copy of a Letter sent by the French Consul Monsieur Giber-court, to William Plowman in Prison; Translated from the Original in French, viz.

I Have wrought for your Interest Sir as much as possible, during my stay at Court, and endeavoured (according to the Letter you were pleased to write to me) to obtain some moderation in the Sentence past against you, but having Orders to return hither before I could get a positive Answer from the Minister of State, I prayed a Person of Quality, who has great Credit with him, to follow this Affair, and has carry'd it so far, that the Minister in her Consideration has consented to reduce the Sentence to 24000 Dollars. This abatement is so considerable, that if I have any Credit with you, I would as a Friend counsel you Sir, to lay hold of this favourable occasion, for procuring
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your Liberty, by the speedy payment of the said Sum, because if you *Numb. 23.* refuse, perhaps you'll not always find the same disposition in the mind of the Minister, with whom the Person I told you of, has wrote so affectionately; let me know your Resolution so soon as possible, that I may give an account thereof, to the end this Affair may be consummated for your Satisfaction and that of your Family, and for the advantage of your Concerns, and afterwards with Pleasure I'll endeavour to serve you, that you may know how much I am,

Sir,

Your most Humble and Obedient Servant.

Numb. 23. ————— *Relating to* ————— *Folio 24.*

Copy of the Honourable Sir Charles Hedges's Report, to their Excellencies the Lords Justices, in the Case between the Grand Duke and William Plowman.

May it please your Excellencies,

IN humble Obedience to your Excellency's Orders of the 12th Instant, I have considered of the Papers concerning Mr. *Plowman*, detained a Prisoner by Order of the Great Duke of *Toscany*, and as to the Truth of the Fact in many particulars, I cannot be positive, for want of authentick Evidence on the one part, as well as the other, but according to the Allegation on both sides it seems to stand thus.

In the Year 1696. One Captain *Brome* having his Majesty's Commission or Letter of Mart, to cruise and seize upon *French* Ships, &c. brought a Vessel call'd the *Philip and Mary*, being his Prize, to *Livorno*, and finding this Vessel fitter for his Purpose, went on Board her with all his Crew.

Mr. *Plowman*, an *English* Merchant at *Livorno*, embarked on the said Vessel as a Passenger for *Alexandria*, upon the account of trading at that place, no notice being taken at the time the Ship was fitting out, or any thing pretended against her as *Plowman* asserts before she was just ready to Sail.

The *French* Consul at that time making Application to the Grand Duke to stop this Ship, it was accordingly ordered, but no just Cause appears to me for so doing; *Plowman* thereupon went to the Grand Duke, and obtained permission for the Ship to proceed on her Voyage, having (as is pretended) given his Word that the Ship called the *Philip and Mary* should not attack the *French*, or do them any Damage during the Voyage, which Promise his Highness affirms to have been really made to himself, but *Plowman* denies the same.

The said Ship departed in Company of another Vessel called the *Peace Sloop*, Captain *Garland* Commander, who in the Voyage took a *French* Ship, call'd the *Santa Barbara*; *Plowman* in the *Philip and Mary* being four Miles distant at the time of capture, and not acting therein, as appears by a Certificate of some of the *French* men taken in the Prize.

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Numb. 24. Afterwards the *Philip and Mary* proceeded to *Tunis, Alexandria* and *Cyprus*, near which last place in the Night she came near a *French Vessel*, call'd the *Virgin's-Hope*, Captain *Brome* not knowing what she was before the *French* had fired 4 Guns, and brought the *Philip and Mary's* Main-top-mast by the Board, and thereupon he fired upon the *French Vessel*, and after a little time made her his Prize.

Its also alledged that another *French Vessel* was taken by the *Philip and Mary*, in company of a *Dutch Ship* called the *Golden Rock*, *Plowman* then being on Board the *Dutch man*, after which he went to *Messina*, and from thence to *Naples*, where having stayed some time for the dispatch of his Affairs; he set forward for *Livorno*, and being at *Rome*, in his way was there seized, upon Pretence that he was a Subject to the Great Duke, and had committed several Piracies under his Colours.

After several days imprisonment at *Rome*, he was deliver'd up to the Officers of the Grand Duke, who brought him to *Florence* the 16th day of *February* 1696, and there has been continued a close Prisoner ever since, without being heard for his Defence, so far as appears to me, hath been ordered to make intire Satisfaction to the *French*, for the three Prizes afore mention'd, valued at 47000 Dollars.

Its alledged also by *Plowman*, that he hath been under Treaty with the *French*, in order to compound for the said Dollars, and that he had agreed with them for 8400 Dollars, or thereabout, and yet he can't procure his Liberty by the payment thereof, to which I find no Answer, but that the Grand Duke looks upon his Offering at a composition to be a giving up the merit of his Case, which in my humble Opinion, is a very hard imputation to one who hath so long suffer'd under the miseries of a close imprisonment.

Plowman further writes, that to procure his Liberty, he hath offered to make good the whole 47000 Dollars, by proposals which he hath made to the Grand Duke, and transmitted to Mr. Secretary *Vernon* a Copy thereof, which if it be true as represented, there is too great Cause to fear that this unhappy Man will be entirely ruined, if his Majesty doth not further interpose in his Behalf.

This being the substance of the Fact so far as I can collect it from th' Allegations on both sides, its my humble Opinion that the Grand Duke hath no manner of Jurisdiction, or legal Authority to order the restitution of what His Majesty's Subjects have thus taken from the *French* during the War, that being settled by the Treaty of *Ryswick*: Its objected in the Paper from *Florence*, and the Duke's Letter, that his Highness having upon *Plowman's* Promise engaged to the *French* Consul, that no damage should be done by the Ship in which *Plowman* embarked, and that therefore the Great Duke is liable for Satisfaction to the *French*, and *Plowman* to his Highness as being *Plowman's* Security; and that the Treaty of *Ryswick* hath nothing to do in this matter: But it may be answered, that the Prosecution is upon complaint of the *French* Consul; the Sentence expressly orders restitution to the *French*, and it is to be put in Execution against the Goods, Effects and Credits of *William Plowman* until the *French* are intirely paid.

As to the promise which is the only thing insisted upon, there are a great many Circumstances which may induce some Persons to suspend their Belief of it; for if *Plowman* a Passenger, on an *English Ship* was so weak as to promise that the Commander thereof should do no damage

to the *French*, can it be easily imagined that in such a Case the Grand *Numb. 23.* Duke should take the parole alone of a Merchant that was going to Sea, and thereupon become Security against all Dangers to so powerful a Prince as his most Christian Majesty, and especially since his Highness knew that the Ships Business was to cruize, being informed she was an *English* Privateer, newly equipp'd, that *Brome*, and not *Plowman* commanded her.

Besides, if *Plowman* had given his Word, its very strange that he should immediately break it, and at the same time design to return, and put himself under the Prince's Power and Jurisdiction, as his Case sets forth.

But the Grand Duke positively affirms such a Promise was made, and therefore not to insist upon that point, and taking it for granted, I humbly conceive, that th' exacting such a Promise, and not suffering an *English* Ship to depart without such unreasonable Conditions, when she was just ready to Sail, was a proceeding contrary to the Laws of Nations, and not a very equal dealing, in as much as his Highness restrained *His Majesty's* Subjects from committing any Violence against the *French*, and at the same time afforded th' *English* no manner of Protection or Assurance that they should not be attacked by the *French* Privateers in the same Voyage.

This with humble Submission is so plain, and so open a violation of those Laws that ought to be observed by Princes in Neutrality, that there is little Room to doubt, but that the Grand Duke hath thereby made himself lyable to all Damages that have or may happen to *His Majesty*, or his Subjects by reason thereof; and whenever *His Majesty* in his Royal Wisdom shall think meet, he will be justified in making such a Demand, since his Rights are diminished and his Authority circumscribed, by this sort of Proceeding, for an *English* Privateer acts by the *King's* Authority, and is accountable to his Majesty alone for the Prizes he shall take.

Besides, if such a Promise was made, it was unjustly required and exacted, and consequently of no Force; or suppose that *Plowman* was obliged by such a Promise, yet there's no reason that *the King's* part in the Prizes, and also the shares of Captain *Brome* and his Crew, and the rest of his Owners should be seized, as it were by way of reprisal, and restored to the *French*.

Or if *Plowman* were lyable in any measure to make satisfaction; I do not see the least Ground to make him responsible for the Prizes called the *Santa Barbara*, and *Virgins Hope*, because the Grand Duke's Letter doth allow that his Promise did not oblige him, as being only a looker on when another Ship took the Prize, which is said to be the case of the First, and as for the Second, Captain *Brome* took her as it were in his own Defence, the *French* beginning the attack.

But if he were lyable to the whole, methinks the Grand Duke should not require him to pay more than the Sum for which he has made a composition with the *French*, or at least he should give him his Liberty upon the Proposals which are alledged to be made by him to the Grand Duke.

Upon the whole, this manner of proceeding and shifting from one Point to another, gives too much occasion to suspect the worst; *His Majesty's* Subject is seized at *Rome* by the procurement of the Grand Duke of *Tuscany*, a very extraordinary method, and not warranted by

Numb. 24. the Laws of Nations; it's pretended he was the Duke's Subject, and a Pirate, when it appears, he was neither Pirate, nor his Highness's Subject; and then instead of being dismissed, he was taxed with breach of Promise, when other Evidence can't be found for his Conviction, the Duke himself becomes a Witness, and not only so, but the Prosecutor and Judge also, being warmly pressed by the *French* Ministers, when he is condemned to make restitution to the *French*; his offering to pay them according to their own Agreement, or the tenour of the Sentence it self will not satisfie, but all is turned upon him as a Manifestation of his Guilt, and an aggravation of his Crime, so that there is still as little hopes of his Liberty as at the first.

There seems to be something particular in this Case which I know not how to express; the Paper sent from *Florence* by the Grand Duke's Secretary, takes notice of his Highness being engaged to a Prince, *bien plus grand & plus puissant qu'elle*, if it sticks there. *The King's* interposing may rectifie the Scales, it's fit for his Majesty's Decision; and Mr. *Plowman*, as I conceive, hath properly applyed himself to your Excellencies for Relief, all which is nevertheless most humbly submitted to your Excellences great Wisdom, &c.

London, 24 June 1699.

Charles Hedges.

Mr. Tard, Sir, Since I sent you my Report in the case of *Plowman*, one Captain *Pickering* hath made Affidavit before me, that several *French* Privateers were fitted out in the Port of *Livorno*, during the late War; and also that the *French* did frequently raise Souldiers and Seamen there, and had the Assistance and Countenance of the Government at *Livorno*, in their so doing, but that he the said *Pickering* having entertained several *Venetians*, and other Forreigners to serve in an *English* Privateer which he then commanded, was forced by the General's Order to put them ashore, and deliver them at *Livorno*, of which I thought fit to give you an Account, as being a farther Evidence of the Grand Duke's unequal Dealings. I am, Sir,

Your most humble Servant,

Charles Hedges.

Numb. 24. ————— Relating to ————— Folio 24.

Copy of a Letter written by Seignior Carlo Quaratesi
 directed to ————— Consul Burrows ————— }
 concerning ————— Catelani ————— }
 Translated from th' Original in Italian, viz.

Florence, 1st September 1696.

Illustrious Sir,

THis Morning at 12 Hours in the Street *de Seni* by an *Armenian*, was rendred me your most courteous Letter of yesterday's date, which brings me the good News of Mr. *Plowman*, concerning whom my most Serene Master, having asked me several times, I gave him notice hereof,

of, and find he is very Glad; now we must pray Heavens to send him *Numb. 25.* safely to your Port, believing that the *French*, will do all things possible to revenge themselves of all the Outrages and Behaviour of *William Plowman*: *I can never believe that he pledged his Word positively to His Serene Highness, not to cruise nor molest the French*, as is reported at your place he has done.

Mr. *Thomas Ball* is returned Triumphant for *Livorno*; in the same manner goes Seig. Doctor *Catelani*, the first having gained his Law-Suit, and the second has been fed with the sight of his adored Idol; I thank you Sir, for th' other Advices you have been pleased to give me, and being full of cordial Sentiments towards your Person, I confirm my self unalterably, Sir,

Your devoted and obliged Servant,

Signed. *Carlo Quaratesi.*

For *Explication* of this Letter, and of Doctor *Catelani's* adored Idol, Reference is humbly craved to ————— *Appendix, Numb. 26.*

Numb. 25. ————— *Relating to* ————— *Folio 25.*

Copy of th' Agreement which *William Plowman* in Prison was constrained to sign with *Monsr. Gibrecourt* the French Consul; Translated from the Original in French, viz.

WE the King's Counsellor, Consul of *France*, and Seas of *Toscany* residing at *Livorno*, impowered by his Majesty to treat with the Family of *William Plowman* an *English* Merchant dwelling ordinarily in the said City, and at present detained in Prison at *Florence*, upon account of the Sum of 47000 Dollars, to the payment whereof the said Mr. *Plowman* has been condemned towards the Commerce of *Marseilles*, and the other concerned, for the causes contained in the said Sentence, dated 28 September 1697. of the one part, and the said *William Plowman* on the other part.

And his Majesty being willing for particular Reasons, that the said Sum of 47000 Dollars should be moderated to 60000 French Livres; we the Consul and *Plowman* above mentioned, are agreed of what follows, viz.

That for satisfying the payment of the said Sum of 60000 Livres, the said *William Plowman* shall pay unto the Hands of me the Consul aforesaid, the Sum of 40,000 French Livres, ready Money in the City of *Livorno*, according to the Exchange from that Place to *Lyons*, and the Surplus being 20000 Livres in Bills of Exchange drawn by the said Mr. *Plowman*, payable in the said Cities of *Lyons* or *Livorno*, at the Consul's option, and in such a Term as the Parties shall agree upon.

That for surety in the Execution of what is above, and of the Contents in this present Instrument, the said *William Plowman* promises and obliges himself to give forthwith his *Procuration* to the said Mr. Consul in good form for receiving out of the Hands of *Monsr. Soufin* the Deposit consigned him belonging to the said *William Plowman*, together with a pure and simple Freedom from Attachments laid in the Hands of the said *Sofine* Merchant at *Livorno*. In

Numb. 25. In virtue of which Procuracion and Freedom from Attachment, the said Deposit consisting in 14000 Dollars ready Mony, or thereabouts; the Surplus in Goods, shall be delivered by the said *Soifne*, into the Hands of the said Mr. Consul, and left to his Management, to use, enjoy and dispose of the same as properly belonging to himself, and in such manner as he shall think fit, by means whereof the said *Soifne* shall remain well and valuably discharged.

That the said Sum of 40000 *French Livres* shall be taken out of the ready Money part of the Deposit, and the Surplus together with the proceeds of the said Merchandizes which are to be sold at the Consul's Diligence for Mr. *Plowman*'s best advantage shall go in deduction of the foresaid Bills of Exchange, which said *William Plowman* obliges himself to furnish unto the said Mr. Consul always, and when it shall be required.

Moreover the parties are agreed, that out of the said Deposit preferably to all things else shall be taken the sum of 1500 Dollars which shall be paid by the said Mr. Consul into the Hands of Mrs. *Gabrielle Fenis*, Sister in Law to the said Mr. *Plowman*, to which she has reduced her self for all her Pretensions generally, and whatsoever upon account of Attachments at her instance laid on the Deposit, in furnishing to the said Mr. Consul Mrs. *Fenis* Discharge in good Form, with her Renunciation of the Attachment.

The said Mr. Consul promises and obliges himself, that so soon as the Deposit is put into his Hands, and left at his disposal, and that the other conditions are establish'd in this Instrument with Mr. *Plowman* are on his part executed, to give his Consent in requisite for the enlargement of his Person out of the Prisons of *Florence*, together with a renunciation of the Attachments made at instance of the Chamber of Commerce, on Effects belonging to said Mr. *Plowman* in any place whatsoever.

And by the performance of what is above, the said Mr. *Plowman* shall remain Free and Discharged from the Gentlemen of the Chamber of Commerce, and others concerned, and from the Condemnation obtained against him in the said Sentence, to which Effect the said Mr. Consul obliges himself to bring in three Months time to the said Mr. *Plowman*, the ratification of the Chamber of Commerce to this Treaty in good Form, and so far as may be needful, the said Treaty shall be ratified by the Wife and Sister in Law of said Mr. *Plowman*, when ever the Consul shall require it, which shall be by the parties respectively performed, upon penalty of all Expences, Damages and Interest.

And in Case the said Deposit should not be put into the Hands of the said Mr. Consul within eight days at farthest, the present Agreement shall remain null, and the parties in the condition they were in before.

Moreover they are agreed, that the Bills of Exchange before mentioned, shall remain in the Hands of Mr. Consul, until fully and entirely paid; done at *Florence* this day of *October 1699*.

The Parties are farther agreed, that in case it be justified by the said Mr. *Plowman*, that *Monf. Darvieux*, Agent for the Chamber of Commerce of *Marseilles* has received 800 Dollars which he affirms was paid, then it shall be discounted out of the Bills of Exchange he is to furnish the said Mr. Consul, together with *Monf. Darvieux* Receipt.

Signed. *Gibre court.*
William Plowman.

Obser-

Observations on this Agreement extorted from William Plowman in Prison.

THE *French* Consul declares that his Orders were to treat with the Family of William Plowman; Monsieur Pontchartrain very well knew that Contracts with a Man in a Dungeon were neither valid nor allowable, for the desire of Liberty would prevail on a Person under bolts, to renounce all things for his Freedom, altho' threatnings and other unwarrantable methods had not been used to force his compliance, and it can't be imagined that the Minister of State would prostitute his Master's Honour, in ordering the Consul to go in the King's Name, into a Dungeon to surprize a Prisoner, and therefore the Consul's Orders were to transact and conclude the matter with the Family, who were at Liberty to assert their Reasons, and to take Counsel; how far these Orders have been transgressed is manifest, as likewise the concurrence of the Grand Duke's Ministers with the Consul; for if his Contrivances had been suspected or disagreeable to the Court of Florence, he could not have had access to the Prisoner, but would have been debarred Conversation with him, as th' *English* were on other occasions.

" The *French* Consul declares, that William Plowman was at present
" detained in Prison at Florence upon account of 47000 Dollars, to the
" payment whereof he was condemned towards the Commerce of Mar-
" seilles, and his Majesty being willing for particular Reasons that the
" said Sum of 47000 Dollars should be moderated to 60000 French
" Livres (which is about ——— 16000 Dollars——) Therefore the
" Consul does agree the matter.

These Reasons and Motives to the *French* King being conceal'd and obscure, may be more particular than what the Complainants do at present conceive; but with submission they adventure on a probable conjecture, viz. These Reasons were supported by Equity, or insinuated by Compassion; if the *French* King's Reasons were equitable, the Grand Duke's Sentence in aggravating the Prisoner, is partial beyond excuse.

If Compassion moved his Christian Majesty, he is a more generous Enemy than his Serene Highness.

If regard to a Subject of *England*, induced the Court of *France* to Complaisance, they considered the King of *England* deserved more respect than what had hitherto been paid to him by the Court at Florence.

Whatever the motives were, the *French* King had particular Reasons to moderate the Grand Duke's Sentence, and to restrain the demands of his Subjects to what they could properly claim from the Transaction of John Crookshanks in *France*, according to Monsieur De Pontchartrain's report of the matter.

Tho' sundry parties at Florence have endeavoured to render this matter unsearchable, yet their Contrivances for obscuring the Truth, have proved in vain, and have exposed their management to a clearer view.

It's known and can be proved, that notwithstanding Mr. De Pontchartrain, had been prevailed on by Arguments from *Italy* to suspend the

Numb. 25. Conclusion of an Agreement in *France*, he several times wrote the Consul that he was sensible the Prisoner could not well give more than what had been offered; the Consul supported by the Court of *Florence* in this unhumane Action, would not consent to *William Plowman's* Liberty, without surrender of all the Effects: At last the Minister of State gave positive Orders to the Consul to take 10000 *French* Crowns, which is about 8400 Dollars at *Livorno*, and this will appear from the tenour and Explication of the Agreement.

Livres

60000.— The *French* Consul by assistance at *Florence* extorts from *William Plowman*.

10000.— The Consul takes Bills of Exchange for payable at terms, with design to pilfer the value, and not to account with the Commerce for the same. This seems to be proved by the following Considerations.

1. The Consul had no Authority to treat with the Prisoner for time.
2. The Commerce designed a final adjustment for a Dividend.
3. The terms of the Contract shew an obscure and sinister contrivance.

40000.— were to be received in ready Money, and this was to be exposed and declared to the Minister of State and Chamber of Commerce which makes

13333 $\frac{1}{3}$ w. *French* Crowns at 20 per Cent. advantage to Money in *Livorno*, makes there ———— Dollars. 10666 $\frac{2}{3}$

960.— { Out of this the Consul was to allow the Money paid Monsieur *Darvieux*. ———— } 800

12373 $\frac{1}{3}$ — Remains at *Livorno* ———— 9866 $\frac{2}{3}$

1807 — { The Consul under the name of Widow *Phenix*, was to take out of the above sums } 1500

10573 $\frac{1}{3}$ w. { So there remains for a Dividend amongst the Commerce and concerned. ———— } 8366 $\frac{2}{3}$

By this Discovery and Explication of the Treaty in Prison, the Complainants do humbly conceive will appear, that tho' the Court at *Florence* did assist the *French* Consul to spoil *William Plowman* of a considerable Sum, yet the Dividend designed for the Chamber of Commerce at *Marseilles* was reduced as near as possible to the adjustment they had made with *John Crookshanks*, in conformity of Monsieur *De Portchartrain's* last Orders to the Consul; but matters must not in *Florence* appear in a true Light, for fear the Grand Duke's Ministers should be exposed and their Oppression condemned, in extorting from the Complainants at sundry times the value of 59863. 5, 6. Dollars. — When the *French* might have been satisfied with 8366 $\frac{2}{3}$. Dollars, to which Sum (properly) the *French* King had moderated the Duke's Sentence for particular Reasons which may move his Highness to acknowledge him to be a Prince *bien plus grand, & plus puissant quelle*.

It

It had been more reasonable for *William Plowman* to hope by a Miracle, to shake off the Bolts, and force the Doors of the Dungeon, than for the *French* Consul to attempt the breaking the Barracades wherewith Law and Equity had secured the Effects deposited, had he not been clandestinely encouraged, and arbitrarily assisted by the Court at *Florence*. Numb. 25.

The *French* Consul was to touch the Effects deposited in virtue of a procuration from *William Plowman*, who was engaged by the Treaty to get a valid Renunciation of all Attachments; the Accomplishment hereof was so far from *William Plowman's* Power, the Consul's Intention, and the Court of *Florence's* Design, that the parties who had laid the Attachments were never consulted, nor their consent to the surrender of the Effects demanded.

In this Treaty it's stipulated, that the very action of surrendring the Effects, should be to Monsieur *Sofine* a sufficient Discharge; but if the Abbot *Gondi's* Letter to the *French* Envoy be revised, it will appear that Monsieur *Soufine* could not dispossess himself of these effects, without a legal Tryal, and Sentence of the Judge at *Livorno*; to this purpose he entred into an authentick Obligation, which could not be cancell'd by the Consul, much less by the Prisoner, without express and sufficient Orders from the Grand Duke.

By this Treaty in a Dungeon, it's stipulated that out of the ready Money deposited, preferably to all things else shall be taken 1500 Dollars to be paid the Widow *Phenix*, to which Sum it's pretended she had restrained her Demands, and for which she was to give the Consul her Receipt and Discharge, whereas she never condescended to the matter; on the contrary, did absolutely deny compliance, and made her Complaints to Monsieur *De Portchartrain*.

It's hard to decide whether the Consul or the Court of *Florence* be most blameable in the contrivance and accomplishment of this Matter, the Fact being plainly thus.

The *French* Consul was to have a Gratification for a Person of Quality; who in his foregoing Letter had wrought so affectionately with the Minister of State, but the Consul's design was to put the Money into his own Pocket; to do this with a plausible Title, without being subject to a future Examination, he pretends to satisfy the Widow *Phenix*, who had a clear and undoubted Right to her *Dota*, but in Reality and Effect, she was to have no part of the Money, only her Brother in Law the Prisoner, so soon as at Liberty, was to prevail on her to give a Receipt, and to wait a more favourable opportunity for receiving her Right, but when the Prisoner was enlarged, he left the Consul and the Court of *Florence* to manage his Sister in Law.

By this Treaty it plainly appears, that *William Plowman* was not to be set at Liberty, until the *French* Consul was entirely and actually possessed of the Effects deposited, and all other Articles on *William Plowman's* part performed, which matter being duly considered, it will appear very strange that the Grand Duke should adventure in his last Letter to the King, to pretend to have seconded His Majesty's pious Inclinations, not only in setting the Prisoner at Liberty, but also in rendering him his Effects; if his Serene Highness passes such a Gloss on this Transaction, his assertion on other points, and representation of Matters may be suspected as partial, and his treating with the King of *England*, may (with great Humility) be deemed unjustifiable.

Numb. 25.

Copy of Attestations concerning the foregoing Treaty, taken before a Notary; and translated from th' Original in Italian, viz. Florence, 16 October 1699.

WE the under-written certify for Truth, as well in Court as without, and upon our Oath, that upon the 8th of October 1699. we were in the Dungeon of the Otto, where Mr. William Plowman was detained and imprisoned, where was present, Mr. Gibrecourt, Consul of the French Nation at Livorno, who treated with the said Mr. Plowman for his Adjustment and Freedom; after a long dispute about the Agreement to be signed between them, debated for some days before; finally in execution of their Agreements, the said Mr. Plowman delivered and deposited in the Hands of the Doctor John Baptist Adami, his procuration directed to the said Mr. Gibrecourt, for recovering the Money and Merchandizes deposited in the Hands of Mr. Soufine at Livorno, and that he delivered him likewise four Bills of Exchange, viz.

Livres.

1 Bill	—1500 French Livres payable	—8 April—	1701
1 Ditto	—2000	—8 April—	1702
1 Ditto	—2500	—8 Octob.—	1702
1 Ditto	—6000	—8 Octob.—	1703

All dated at Florence the 8th of October 1699, under-written, and accepted by the said Mr. Plowman in th' aforesaid Dungeon, the same day; which Bills of Exchange, they agreed should afterwards be delivered by the said Dr. Adami, to the said Mr. Gibrecourt in Livorno, who upon Receipt of the abovesaid Deposit and Bills of Exchange, was obliged as he had promised to underwrite to the said Dr. Adami, immediately and freely an Acquittance dictated and agreed upon by the said Mons. Gibrecourt and Plowman, written by Dr. Pietro Maria Pietra Santa, beneath a Copy of the Sentence denounced by his Serene Highness against William Plowman the 28th September 1697. In Testimony whereof, &c.

I Philip Maria Pietra Santa affirm what is above, because I was present at the French Affairs, and with my proper Hand made the Minute of the abovesaid Acquittance. Witness my Hand, declaring further, that th' above Bills of Exchange were of my Writing.

I Joseph Maria Ciampelli, affirm to what is above, because I was present at all the said Affairs. Witness my Hand.

What follows is translated from the Latin.

Florence, 17 October 1699.

Before me Notary publick, personally appeared th' above named illustrious Abbot Philip Maria Pietra Santa, Doctor in both Laws, Son of Seig. John Francis, and the Abbot Joseph Maria Ciampelli, Doctor in both Laws, Son of the late Excellent Seig. Vincenzo, for acknowledging their Attestation and Subscription, which being by them viewed and read, they acknowledged the same upon Oath, and in forma, &c. touching, &c. asserting and affirming all and singular the Contents therein exprest to be true, and that they have signed the same with their respective Hands, &c. as appears, &c. in Testimony, &c.

I Charles Marie Nicholas Bellini, Son of the late Jerome, Citizen and Publick Notary of Florence; being required, did take the foresaid Recognitions,

cognitions, and in Testimony thereof have subscribed and affixed the *Numb. 25.*
usual Seal of my Tabellion, *ad laudem Dei*, &c.

Copy of a Letter written by Sir Lambert Blackwell, *His Majesty's Envoy*, to Monsieur Dupré the French Envoy at Florence.

S I R,

HAVING since th' enlargement of *William Plowman* understood the proceeding of Mr. *GibreCourt* the French Consul, in forcing that unfortunate Man in Prison, to yield his Rights upon the Money deposited at *Livorno*, to the prejudice of his lawful Creditors, and to furnish his Obligations for compleating the payment of 60,000 French Livres, upon a pretension of Facts happened in time of War, which appearing contrary to the 3d Article of Peace concluded at *Ryswick*, whereby all Damages done by the one to the other Party during the War are entirely pardoned, and Mr. *Plowman* being a Subject of the King my Master, I desire you Sir, to order Mr. *GibreCourt* to manage the matter so, as the Money may be reserved until his Christian Majesty be fully informed of the Case, not doubting but on this occasion, you'll grant all I can justly expect from your Prudence, being with much Respect, Sir,

Your most humble and obedient Servant,

Livorno, 13 October 1699.

Signed, *Lambert Blackwell.*

Copy of a Letter written by Sir Lambert Blackwell, to Mr. *GibreCourt* the French Consul; Translated from the French.

ALTHO' I have no Reason to doubt that Mr. *Dupré* Envoy extraordinary of France has communicated to you the Contents of my Letter to him last Night concerning the Money, Effects and Obligations which you have drawn from the unfortunate Mr. *Plowman* in Prison, to the Sum of 60,000 French Livres; and notwithstanding I had occasion to speak with you on that Subject this Morning, nevertheless that the way to Justice may not be closed, be pleased to answer these Lines, and to let me know Sir, if you are resolved to manage so, as the Faculties may be reserved until his most Christian Majesty be fully informed of the Case, being sufficiently perswaded of his Royal Justice, and of the equity of his Ministers; and this Consideration not allowing Diligences in the ordinary Method, I hope you'll have a regard thereto and oblige, Sir,

Your most humble and obedient Servant,

Florence, 14 October 1699.

Signed, *Lambert Blackwell.*

Numb. 25.

Copy of a Letter written by John Crookshanks to Monsieur De Pontchartrain (*Translated from the French*) now Lord High-Chancellor.

My Lord,

Without failing in my Duty, I can't keep Silence. My Lord, in seeing the King distinguish so justly your Vertues, if I had Liberty on this Occasion, I would felicitate his Majesty, in foretelling to his happy Dominions th' accomplishment of their good Fortune, since the ballance of Justice remains in your Grandeur's Hands; if God would inspire Mankind to follow your inimitable Example, Mortals could not any longer languish, nor with Reason complain of their Judges. This Declaration, My Lord, I am obliged to make in face of th' Universe, having experienc'd your lively and just Penetration in a Case wherein my Reasons were almost imperceptible; and this at present is the only Testimony I can give of my Sincerity, in the solemn Vow I made of remaining to the last Minute of my Life with a most profound respect,

My Lord,

Your Grandeur's

Most humble, obedient and devoted Servant,

Florence, 2 October 1699.

Signed, *John Crookshanks.*

Copy of a Letter written by John Crookshanks to Monsieur De Pontchartrain Lord High-Chancellor of France; *Translated from the French, viz.*

My Lord,

BY the perfect Knowledge of your Grandeur's just and generous inclination, to protect the Innocent, and to comfort th' Afflicted, I am encouraged to let my humble Supplications drop so frequently at your Feet.

At present, finding my self in a Case perplexed, Prudence on the one Hand, and decency on the other, hindering the free Discovery of the Transaction in its true Circumstances; I most humbly supplicate your Grandeur to throw your Eyes on the Copy of the Contract made in Prison by Mr. *Gibre-court*, and the unhappy *Plowman*.

It's true, and Evident, My Lord, That the 8000 and odd Dollars willingly and conditionally deposited by *Rigby, Shepard*, and Company are carryed away, that the poor Widow *Gabrielle Fenis* is spoiled of her Rights; the restitution of the 1500 Dollars stipulated by Mr. *Gibre-court*, is purely a Contrivance, and the Terms he makes use of, for appropriating to himself another part of these Faculties, makes me suppose (if it may be said with Respect, My Lord) that for his private Designs he has concealed the Truth in some things, and in others he has too much eclipsed the King's Clemency, and your Grandeur's Justice and Compassion, seeing sufficient Security was offered him,
for

for the religious Observance of your Grandeur's Orders in the enlargement of *William Plowman*, which he never would bring to light so far as concerned the sum prescribed to him. *Numb. 25.*

This management of Mr. *GibreCourt*, and the Contract he made in Prison are so publick, My Lord, that the King of *Great Britain's* Envoy, Sir *Lambert Blackwel*, could not dispence himself from taking Cognizance thereof; relying nevertheless on his Majesty's Justice and your Grandeur's Equity, according to the Copies of his Letters to the Envoy of *France*; and Mr. *GibreCourt* probably with design to get the pretence on the 3d Article of Peace concluded at *Ryswick* referred to the consideration of their Majesties and your Grandeur's decision of this incident caused by the Contract past in Prison.

Without staying th' event of this proceeding, I run speedily to your Grandeur's Compassion for your powerful and generous Protection to my self and others who are innocent and oppressed, believing, My Lord, we have some shadow of Justice on our side to render our case recommendable; in the mean time we shall heartily pray for your Grandeur's Preservation, and whatever may be th' event, I'll acknowledge my Obligations to remain with a profound respect and inviolably.

My Lord,

Your Grandeur's

Most humble, obedient and faithful Servant,

Florence, 16 October 1699.

Signed, *John Crookshanks.*

Copy of a Letter written by John Crookshanks to Monsieur De Pontchartrain Lord High Chancellor of France; Translated from the French, viz.

My Lord,

When the King's Honour and your Grandeur's Wisdom are publicly attacked, I can't remain indifferent: That timidity and profound respect which hitherto have tyed my Tongue, would hence forward be an excuse for silence, and render me a Complice in the profanation of the most elevated and sacred things.

Already, My Lord, I am too guilty of a Crime against your Justice and angelical Patience, in choosing to suffer Ruin, rather than to murmur against the proceedings of Mr. *GibreCourt* the *French* Consul, being afraid to appear Impertinent or Malicious; and yet in this moment, I tremble in accusing him of failing in the requisite delicacy in executing his Commission; tho' his intention were innocent, the effect does not make it appear so to Spectators in *Italy*.

Upon this point, pray My Lord, make me worthy of your Orders to prove it, in such manner as your Grandeur shall see convenient to Command, by authentick Attestations from hence, or by a personal Confrontation in *France* at my proper Expence, with a solemn Obligation, that in case I succumb, to undergo a punishment sufficient for repaying Mr. *GibreCourt's* Honour, and in such manner, My Lord, as your Justice shall ordain.

Being

Numb. 25. Being at *Florence* the 16 Curreant, with great submission, I took the Liberty most humbly to recommend to Your Grandeur's bountiful and just Consideration, the Copy of the Contract past in Prison, between Mr. *Gibre-court* and Mr. *Plowman*, by which may appear Widow *Phenix's* just pretension on the Money deposited; Mr. Consul is very angry, and makes a noise because *Plowman* can't oblige his Sister in Law to give an Acquittance for 1500 Dollars, without touching a Farthing thereof pursuant to th' Agreement made in Prison.

May it please Your Grandeur to order the reading of this Copy of a Letter written by Mr. *Gibre-court*, in the Month of *April* last, to *William Plowman* in Prison; I received the Duplicat thereof at *Marseilles*, but without th' Original in Hand durst not say any thing, contenting my self then in writing to the Consul, that it was to Your Grandeur's Goodness I was obliged, for the favour granted in hearing me so favourably without any Recommendation or Introduc'tor, and that it was from your Justice and Compassion, My Lord, that I expected the moderation of the Sentence, he would not understand this Advice, but has pursued his particular Designs farther than is convenient for me to expose.

The foresaid Letter, My Lord, is without Subscription, the Stile and Character counterfeited with an artificial turn; but being sent by a Person Express, the Answer passed through the Hands of Men worthy of Faith, to which adding th' other Circumstances of the Affair, I believe the Consul will endeavour to excuse, rather than to deny the Fact.

Nevertheless, My Lord, I am reproached by th' *English* here with my dependance on the Justice and Generosity of *France*; and on the other Hand, I am mortified by the *Italians*, who by a punctilious and satyrick Speculation appear astonished; saying, Is it possible that a *Frenchman* bearing the character of a Knight and of a Consul, should be so weak as to creep into a Dungeon, there in the Name of the King of *France* to treat with a Prisoner, to surprize him to the prejudice of his Creditors, and to the ruin of his Family?

In all this, My Lord, I may appear weak or ill advised, but I hope your Grandeur will let me find th' Effects of your Goodness, in declaring me comatible, seeing I zealously seek for an occasion to give an authentick proof of my Gratitude, and of my Sincerity, in promising to remain eternally.

My Lord,

Your Grandeur's

Most humble, obedient, obliged and faithful Servant,

Livorno, 30 October 1699.

Signed, *John Crookshanks.*

Copy of a Letter written by John Crookshanks to Monsieur Le Bret, First President of the Parliament of Aix, Intendant of the Finance Policy and Commerce of Provence; Translated from the French, viz.

My Lord,

HAVING on many occasions found the effects of your Justice and benign Compassion, I take the Liberty at present, with a most submissive Respect, to seek for Comfort under the powerful and generous

rous protection of Your Grandeur, against the Barbarity of Monsieur *Gibre-court*, who for satiating his Vengeance against the unhappy Mr. *Plowman*, has ruined our House at *Livorno*; and for accomplishing this matter, has sacrificed the Honour of Mons. *De Pontchartrain*, without regard to the King's, the matter is so publick, that his Majesty may perhaps at this time be informed thereof. I have taken the Liberty to acquaint my Lord-Chancellor with the management of Mr. *Gibre-court*, obliging my self to come to *France* at my proper Risk and Expence to prove the matter: I have sent a Copy to the Chamber of Commerce at *Marseille*, hoping they will grant me the Favour to make to Your Grandeur a faithful and speedy Report of the true Circumstances of this Transaction of Mr. *Gibre-court*, whereby (according to the Opinion of Men learned in the Laws) he has furnished means to ask the justice of the King in the privilege of the 3d Article of Peace concluded at *Ryswick*. Upon these hopes, My Lord, I most humbly pray you to order the Chamber of Commerce to suspend the Distribution of what Money Mr. *Gibre-court* may remit them, for the decision of his Majesty, when he shall be fully informed of the Case; if my Supplication be just, I am assured your Grandeur will look on it graciously, in granting me generously permission to declare my self with a profound Respect.

My Lord,

Your Grandeur's

Most humble, obedient, obliged and faithful Servant,

Livorno, 30 October 1699.

Signed. *John Crookshanks*.

Nota, In consequence of these Letters, Mons. *De Pontchartrain* gave a severe reprimand to the *French* Consul; he offered to pay the 1500 Dollars to Widow *Phenix*, which she refused on his Terms, and to this Day the Chamber of Commerce have not divided the Spoil.

Numb. 26.————— Relating to ————— Folio 26.

Observations on the French Consul's Release, and of Seig. Quaratesi's Management, in employing Catelani whom he knew to be capable of the most sordid Performances.

1. — **I**T appears that the Grand Duke was never actually and really obliged, as is pretended for *William Plowman*, otherwise the Consul would have discharged his Serene Highness.

2. — This Release plainly shews the Grand Duke's partiality, for the Consul in Name of his Most Christian Majesty, passes under Oblivion all Actions done by *William Plowman* during the War, so it may be presumed, that for pillaging the Prisoner, the Consul had not a direct Authority from the *French* King, contrary to his express Agreement in the peace of *Ryswick*, or that Modesty would not suffer him to own the open Violation thereof, which strengthens the Complainants hopes of restitution from the *French*, and of entire reparation from the Grand Duke,

E e

being

Numb. 26. being perswaded *the King of England* will never suffer one Party to insult, and th' other to rob his Subjects, to the expense of their Reputation, loss of their Estate, and most valuable part of their time.

— 3. By this Release appears the combination of the Court of *Florence* with the *French* Consul for the ruin of th' *English*, and that Mr. *Gibre-court* would not do any thing ungrateful to the Grand Duke and his Ministers, for notwithstanding his Pretence in the Treaty to a full Authority from his Majesty for granting the Liberty of *William Plowman*; yet he drains him and his Creditors of the Effects deposited, and then leaves him in a Dungeon to be set out when his Highness should see fit to command it, who in this Case aimed at something more than the simple Satisfaction of the *French* concerned.

4.--- From this Release, appears the Designs and Contrivances of the Grand Duke's Ministers to keep the matter obscure, and to harass the Prisoner, for his Liberty might have been purchased in the rigour of Justice from the *French* for 8000 and odd Dollars, but because a much greater Sum had been extorted from the *English*, the whole was to be confounded and dispersed, lest the Court of *Florence*, by their consent to the restitution of any part thereof to the true Proprietors, should remain undeniably convicted of an open and extravagant Oppression, and Seignior *Quaratefi* Treasurer disappointed in effecting the ruin of the House.

In the management of this matter, *Catelani* was employed and directed by Seignior *Quaratefi*, an Office properly belonging to the former; for no Man of Honour or Prudence would engage in the Enterprize upon such Conditions and Designs as he proposed to himself; it's certain he was to have a reward from both Parties, and upon a disappointment afterwards, pretended to commence an Action in Justice, and that Seig. *Quaratefi* solicited for his Satisfaction; but afterwards for Reasons, prevailed on *Catelani* to desist: The true Character of this Man may be taken from Seig. *Carlo Quaratefi's* proper Letter. Transcribed in the *Appendix*, *Numb. 24.* on which some of the following Reflections with great submission may appear very natural.

1. Tho Seig. *Carlo Quaratefi* was advanced by his Office of Treasurer to the dignity of a States-man; yet he had not forgot the Notions sucked in when he was in the Compting House of Seig. *Guadagni*, where he conceived the first aversion to their Competitors in Trade, and learned subtilly to pry into the Affairs of the *English*, taking Interest with one party still, the better to foment the differences between *English* Merchants at *Livorno*.

Mr. *Balle's* Law-Suit was against the Complainants, in a concern of Messieurs *Barrington* and *Steel*, which was carryed against them by force and surprisal contrary to Reason and Justice, because the Lawyer who usually managed the Complainants Affairs could not go to *Florence*: *Catelani* was substituted, he basely suffered Sentence to pass against his Clients, notwithstanding for his Fees and Expences they had given him Ten Pistols in Gold: The Treasurer knew very well what past, and that this was his beloved Idol, but as such a Sum could not satiate this *Catelani's* devouring Appetite, it's probable the Treasurer knew some private supply he got at *Florence*; it was publicly talked that in the few days of his abode at *Florence*, he had lost a Sum of Money by Game in Company of the Treasurer, who upon that Consideration uses the witty Expression, *viz.* That *Catelani* had been sed with the looks of his adored Idol, to wit, *Gold*. No

No Man can play dexterously on all occasions, and nothing but *Numb. 27.*
Truth on all Aspects can appear candid.

If in the Paragraph of the Letter relating to *William Plowman*, Seignior *Carlo Quaratesi* speaks his Sentiments truly, and if his Expressions are taken in the apparent Sense of the Words, there is very little reason to believe *William Plowman* ever gave any Promise to the Grand Duke, his Highness had not then told this Minister of State any such thing, notwithstanding their frequent Discourses on the Subject.

If the Treasurer herein prosecuted the sinister designs for surprisal of *William Plowman*, no Crocadil did ever whine so deceitfully before his Prey, neither did any Reprobate ever call Heavens so boldly to their assistance, by this it would seem Seignior *Quaratesi* was afraid the *French* should get the first or sole satisfaction of revenge by taking *William Plowman* at Sea, in which Case he would have been treated as a Prisoner of War, and more generously than at *Florence*.

It's not easily conceivable, that in a matter of this Nature, concerning which the Great Duke had so often spoke to the Treasurer, he should without the participation of his Serene Master, and leave from him, innocently write such a Letter to th' *English* Consul, who infallibly would impart the same to *William Plowman*, the consequence hereof is so palpable, that a farther Explanation would be superfluous.

The Grand Duke has not produced any legal Testimony for proof of *William Plowman's* parole; on the contrary, here are two Witnesses, Subjects, and Ministers of State, under their Hands, declaring against his Highness their Serene Master.

1. The Treasurer Seignior *Quaratesi* contradicts the Pretence, for he cannot believe that *William Plowman* did positively engage in a Promise.

2. The Secretary of State Abbot *Gondi*, by clear consequence, condemns the Proceedings in his Letter Folio 21, wherein he sets forth the rules of Justice to be observed about the Effects deposited, contrary to which Rules and ordinary Course of Justice they were arbitrarily given to the *French* Consul.

These show an irreconcilable Difference between the pretence and proceeding of the Grand Duke, if either had been firmly and clearly established on the solid Basis of Justice; his Highness and his Ministers on all occasions would have unanimously concurred in th' Affair and equal Representation of the Fact, and these Ministers would not have shifted Sentiments.

Numb. 27. ————— Relating to ————— Folio 26.

Copy of a Letter written by Seignior Caroliano Montemagni,
The Grand Duke's Secretary to Sir Lambert Blackwell His
Majesty's Envoy; Translated from the Italian.

Illustrious Seignior, my worshipful Master,

IT'S well known to the Serene Grand Duke my Lord, with how much earnestness you have been concerned for ending *William Plowman's* Affair; his Serene Highness commands to give you Notice that last Evening

Numb. 28. vening he ordered him to be set out of Prison, and at the same time, that all the Money deposited at Livorno should be restored to him; and I assure you, Sir, his Serene Highness rejoices mightily that the last instances of his *Britannick* Majesty arrived in a time when it was possible to satisfy the genius of his Piety, and to show so much the more the passion which his Serene Highness nourishes for seconding his Inclination, having sacrificed to him all those just Resentments which ought to have been practised against the Person of *Plowman*, for the Crimes by him committed against the dignity of his Serene Highness, having also in view the reiterated remonstrances which you have so vigorously made on this Subject, upon the Orders sent you from England. Therefore in giving you an account hereof, I confirm my self,

Your obliged and devoted Servant,

Florence, 9 October 1699.

Signed, *Coroliano Montemagni*.

Numb. 28. ————— Relating to ————— Folio 27.

Copy of a Petition drawn by William Plowman in the Dungeon, when the Conclusion of th' Affair with the French Consul was in agitation to be sent to the King.

Humbly sheweeh,

THat your Majesty's Petitioner and Subject hath undergone the unexpressible misery of a Dungeon, for near three Years, by an arbitrary Sentence of the Great Duke of *Toscany*, who interprets my Fidelity to *Your Majesty*, and Love to my Country for capital Crimes, as by the Narrative of my Case laid before your Majesty's Minister of State more largely appears.

The Compassion that may be expected from his Highness towards the releasing your Majesty's Petitioner from Misery, is apparent from the small regard his Highness hath had hitherto to the Justice and Authority of your Majesty's reiterated Letters and Royal demands.

The Petitioner is in a great Consternation, for the threatnings of Enemies, and precautions of Friends makes me hourly apprehensive of imminent Danger; but having seen your Majesty save Provinces and Kingdoms from Ruine; surely I can't perish, whilst your Majesty is graciously pleased to take such particular notice of my Sufferings.

But if I should fall a Victim to *Italian* Policy, Sir *Lambert Blackwell* your Majesty's Envoy Extraordinary, who in my Defence hath hitherto asserted *Your Majesty's* Right, will I doubt not, grant my Desire in laying my Case, Wife and Seven Children, at *Your Majesty's* Feet to implore the Fruits of your Royal Protection to them.

And my last Breath shall convey a fervent Prayer to Heaven for the preservation of your sacred Person, and for the long continuance of *Your Majesty's* happy, just, and glorious Reign.

This was dated 6 October, 1699.

Copy

Copy of a Letter written by William Plowman whilst in the
Dungeon, under the greatest Apprehension to his Grace my Lord
Arch-bishop of Canterbury.

May it please your Grace,

BEing confirmed by Experience of your Grace's chearfulness in
Exercises of Charity for relief of th' Oppressed, tho' my Circum-
stances allowed me, I should not at present seek any introducer in
supplicating your Grace to prefer my enclosed Petition to *His Majesty*,
and to recommend my quick Delivery from a Dungeon and *Italy*,
which two words express what I have reason to apprehend; and my
Redemption from them, will oblige me to remain in the strictest
Bonds of Gratitude and Respect to the last Moment,

Your Grace's

Most humble, obedient, and faithful Servant,

Florence, 6 October 1699.

Signed, *William Plowman.*

Copy of a Letter written by William Plowman, to his Father
Mr. Matthew Plowman the day before he was set at Liberty,
viz. * Florence Dungeon, 9 October 1699.

Honoured Sir,

MY last conveyed a Petition to *His Majesty*, by which and the
supplication made to his Grace my Lord Arch-bishop of *Canter-*
bury, will appear the perplexing Circumstances under which I then was;
if you have pondered th' Affair, you might have seen th' event, in con-
cluding that I could not receive any Favour or Facility from the Great Duke
and his Ministers, but you could never have believed, that they would
have made use of so many and unwarrantable stratagems as they have done,
to frighten and force me to a Compliance, knowing that *His Majesty*
had cognizance of the Case, and was graciously pleased to declare him-
self my Protector; and how their Prudence can be justified I can't con-
ceive, since they go directly opposite to our Royal Master's Com-
mands, and consequently to the rules of Honour and Justice, consi-
dering that they adventured to treat thus with the greatest and most
penetrating and bravest Monarch in the Universe. I was damped and
terrified with threatnings of Torture and Poyson, being in a Dungeon,
and in their Power; and having lively in my sight the desolate Condi-
tion of my poor Wife and seven little Children, that I had not force to
withstand th' Assault, so have condescended to sign such Acts in favour
of the *French*, as they desired, in abandoning to them my Right, my
Own, and my Friends Effects that were in possession of the Great Duke's
Ministers, and in granting an acknowledgment under my Hand, that
the Duke's Sentence and Procedure is just, and that I owe my Life to
his Clemency. Could I have seen any safety in resistance, I would
have risked all, rather than to have submitted, but I hope that *His*

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Numb. 28. Majesty, who hath been graciously pleased to interpose his Royal Authority in my Defence, will in his great Justice and Bounty grant me his Protection for Relief, and from such manifest Impositions and Violence, when I shall have the Honour to lay at his Feet the Case which is thus ;

Sir *Lambert Blackwell* having made known the *King's* Sentiments to the Great Duke ; and his Highness considering that *His Majesty* after so much Moderation and Patience in waiting for Justice, could not but be highly displeased with a further delay, employed an Advocate *Alexander Luiggi Catelani* (for Stratagems and Contrivances the most notorious Person in the State,) for to treat an adjustment with the *French*, who having on his own Terms agreed with Monsieur *Gibreccourt* the *French* Consul for 60,000 Livres, *Tournois* came to Prison, having made use of his Rhetorick and Perswasions at several times, and finding that I stood upon my Justification, and *His Majesty's* Protection, at last he told me plainly in the Great Duke's Name, that if I would not condescend to bring his Highness out of th' Engagement, by satisfying the *French*, I must prepare for th' other World, and not to flatter my self, for ways would be found to dispatch me in such a manner, as no person on Earth could discover my Death to be unnatural, because in *Italy* they have experience enough for contriving such matters ; so after a long debate (too tedious to write) I was forced yesternight to sign an Agreement with the *French* Consul, and gave him a procuration to take the Effects, as you'll see more at large by th' enclosed Papers, and Copy of th' Discharge which the *French* Consul gave the Grand Duke, which plainly shews that his Highness was not my surety, as he all along pretended, for if he were, the *French* would not have treated with me, and abated so much Money, when he had so able a Pay-master as his Highness bound to them ; so it's Evident, that it was only a trick, and a connivance together to ruin me, for attempting to deprive them the *Cape Negro* Corn, the most jealous Trade that Province enjoys, and for that Reason, *Monf. De Pontchartrain* was resolved to stick on my Skirts. The *French* Consul is gone Post for *Livorno*, with Orders from the Grand Duke to the Governor of that City, to cause the said Effects to be forthwith delivered, without any form of Justice, or intimation to my Creditors who had laid Sequesters, and commenced their Actions at that Tribunal, and upon the Books of this Prison, it appears that I am discharged, altho' I am engaged to remain still in the same Dungeon, until the *French* Consul sends Advice that he is possessed of the Effects ; by this method the Grand Duke's Ministers think to secure his Interest, and save his Honour, leaving me in the Lurch, and no doubt but they'll contrive a plausible pretence for an excuse to his *Majesty* ; but Truth and Justice will always have the Victory ; and the matter of Fact is so clear, I need not make any exaggeration, being certain no person of Honour will approve their management. If it please God I get out, and under Sir *Lambert Blackwell's* Roof, I will that very moment deliver this with the annexed Papers sealed to be transmitted to the Right Honourable the Secretary of State, judging it not convenient nor safe to leave them open, knowing it will be impossible for me to get any Subject or Person in the Grand Duke's State to attest the same in requisite manner. I hope *His Majesty* will resent th' Abuse intended against his own Honour, by the violence used with me to the detriment of his other Subjects and my entire Ruin ; so

with

with Prayers for the preservation of his Sacred Person, recommending *Numb. 29.* you to Divine Protection, whatever may become of me, I shall leave this for my Justification to the World, and for you to make use of as occasion may require.

Numb. 29. ————— *Relating to* ————— *Folio 28.*

Observations on the Petition which William Plowman was forced in Prison to Copy under his Hand, being modelled first by Doctor Zagri.

This Petition with humble Submission demonstrates
The Arbitrary Proceedings of the Grand Duke,
The Illegal methods of his Ministers, And
The subtil Insinuations of their Emissaries.

In surprising and forcing the Prisoner into a Confession contrary to his Interest, and opposite to the Truth in Fact manifest.

They constrain the Prisoner to acknowledge himself engaged for more then he is charged with by the Grand Duke's Sentence in the narrative part thereof, wherein his Highness only pretends that the Prisoner promised for the Ship *Philip* and *Mary*, by which Vessel the *Santa Barbara* (included in the Sentence) was not taken, as hath been proved by the Depositions of the *French* Mariners; translated in *Appendix, Numb. 7.*

To support the deficiency of the Sentence, in condemning *William Plowman* to pay the *French* for the Ship *Santa Barbara* and her Cargoe; in Prison he must confess, that she was taken by the *Philip* and *Mary*, tho' she was at distance when the *French* Vessel surrendred to the *Peace* Sloop, and the Prisoner must confess that he took the *French* Ship, tho' the Grand Duke knew very well that Captain *John Brome* commanded th' *English* Privateer.

In doing of these things the Prisoner must confess that he had committed a most grievous Error, his Declaration in Prison against Truth and Fact known to the World as well as to his Conscience, may now be properly termed a most grievous Error; but taking these Words in the true Sense and design of the *Florentins*, they did not think, nor could not say that *William Plowman's* Actions amounted to a Crime as on other occasions was against him alledged, otherwise they would not have moderated the matter to an Error, the effect of imprudence at worst, which did not deserve such rigorous Punishment as the Prisoner had undergone; suppose he had dictated this Petition himself being guilty of a Crime, the Duke and his Ministers would not have yielded the Puncto, in accepting the acknowledgment of an Error, tho' a most grievous one.

William Plowman in Prison is constrained to acknowledge that he took the Bark of *Patron Turquon*, notwithstanding when the *French* Man surrendred to the *Philip* and *Mary*, the Prisoner was then Passenger aboard the *Golden Rock* a *Dutch* Ship.

The Grand Duke alledged the Promise made to himself, and that to his Ministers *William Plowman* had confessed several matters thereunto
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Numb. 28. relating ; if these Assertions had been in themselves sufficiently valid, this Petition under the Prisoner's Hand was superfluous.

By the second Paragraph of the Petition, appears that it was not presented so soon as it was framed, for if *William Plowman* had been out of Prison, and actually free to go in Person to the Palace, they would not have required a promise of a future Confirmation for which he exhibited himself ready.

As to the third Paragraph, if *William Plowman* had found himself free from Prison, he had no farther occasion of a Royal Pardon from the Grand Duke, for being once under the Roof of *the King's Envoy* at *Florence* he was secured from any further molestation; and without an open insult to *His Majesty*, *William Plowman* could not have been attacked.

The *Florentins* intended to circumvent the Prisoner, by an Obligatory (tho' extorted) promise to renounce his Native Country, and thereby make him forfeit the Reparation of Damage, so justly hoped for under *His Majesty's* gracious and just Protection.

In this Petition the Grand Duke and his Ministers have screwed an arbitrary Command over the Prisoner to the highest pitch, for if the Duke's Sentence had been valid, and passed upon clear Evidence of the Fact, the confession of a Prisoner would not have been judged so necessary, and it seems reasonable to think that no Person in freedom and his clear senses, would have thus willingly contradicted evident Truth, condemned himself, renounced his Native Country, and his recourse to the justice of it.

If these proceedings in *Toscany* pass quietly, with submission, it will deter Gentlemen of good Quality and Fortunes from trusting their Persons and Estates upon the settlement of Factories abroad, the preservation whereof has been found one of the greatest Encouragements, and most certain Improvements to the vast and universal Trade of this Kingdom; or if they adventure, they'll be subject to the envious insults of Forreigners.



FINIS.
